BOMBAY GAZETTE

OVERLAND DISPATCH.

Vol. II. BOMBAY: THURSDAY, APRIL 1, 1841. No. 9.

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WHICH will contain a Precis of Indian Intelligence for the past Month.

The Public and Subscribers to the Gazette are informed that an Overland Monthly Dispatch, will be published at this Office for the present and every succeeding Mail—to Subscribers of the Gazette, *Gratis*.—Non-Subscribers one Rupee per Copy and to Subscribers for the above alone Rs. 10 per Annum, in England £1. 1s.

The Outstation Subscribers to the *Bombay Gazette* are hereby informed that if they will favor the Editor with the names of the Parties in England to whom they wish their Overland Gazette to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

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THE BOMBAY GAZETTE OVERLAND DISPATCH.

THURSDAY, APRIL 1, 1841.

THE News of the past Month is more meagre than usual.—From China we have nothing but the Official accounts of the taking of the Chuenpee and Kykocktow Forts. Two letters from the Reverend Mr. Stanton and Captain Anstruther of the Madras Service, give an account of their imprisonment by the Chinese, and on every account will be found highly interesting. No arrivals from the celestial Empire have of late enlightened us on the state of our affairs in that Quarter.

On turning our attention towards Affghanistan, we find that Major Todd our Envoy has been obliged to decamp precipitately from Herat, through the intrigues of Kamran and his Vizier Yar Mahomed with the Persians, and an Army of the latter is said to be in full March for Herat, with which Kamran and his rabble are to join and make a foray on Candahar to drive the British and their protegee Shah Shoojah from the Dooranee Empire, the population about Candahar are said to be favorable to a change and some disturbances in the neighbourhood seem to give colour to the reports. In Scinde the Bombay Army under Major General Brookes is by the last accounts in the district of Seebee about 50 Miles from Dadur. At the Chief Town of this province, named Kujjuck, which also gives a name to a tribe of Belochees a detachment of our Troops which had been sent by General Brooks to levy Shah Shoojah's tribute met with a serious reverse, and Colonel Wilson, of the 3rd light Cavalry received a wound of which he has since died, while Lieut. Creed of the Artillery and Falconer of the 2nd Grenadiers were killed on the spot, and Lieut. Shawe of the Commissariat severely wounded. The details of the affair will be found under the proper head and few events could have happened more untowardly, for though during the night the Garrison decamped and the place was given up without resistance to the whole force the next day, and lots of plunder were found in the town, still the idea of a check to the British Arms is pregnant with mischief at the present crisis—General Brook's Force is required about the Bolan Pass, the hot weather is approaching, and if the news of the Persian advance has any foundation, the sooner troops are pushed on to Candahar the better, but yet the state of Scinde scarcely warrants the detachment of any part of the present force, as the mountain Tribes are anything but quiet and quite ready for a fresh outbreak. If the Bombay force does go on through the Bolan Pass fresh troops must be sent from Bombay to take up their posts, but not a man is available, half of the Bombay Army is already in Scinde, and the Seapoys are worked off their legs. If an augmentation does not speedily take place it is impossible to see how the exigences of the service are to be provided for, should the whole Bombay force go on to Queetta, the Politicals in Scinde will be liable to have their communication cut off with Kurrachee and then if the Scinde Ameers should be inclined to be treacherous we might be placed in a pretty predicament before any remedy could be applied The state of affairs in the Punjaub is also sufficiently unsatisfactory. Shere Sing cannot controul the turbulent Soldiery who placed him on the Gadee, and like one of the ephemeral Emperors in the decline of the Roman Empire he is the puppet of his own Prœtorian Bands who are exciting a state of anarchy and confusion throughout the Seikh Dominions. A large British Force is assembling on the frontier, and the strong Brigades of the large Stations of the Upper Provinces are ordered to hold themselves in readiness for service. General Lumley who for a length of time has been Adjutant General at Calcutta, has been sent specially to command the Forces at Kurnaul and there is every sign of a Warlike movement towards Lahore. The Governor General however keeps his own Counsel and no one knows whether we are to assist Shere Singh or strike a blow on our own account. The Nepaulese are still quiet their conduct will probably be regulated in a great measure by the turn affairs take in China.

From Persia we bave nothing but the rumour of an advance of a Persian force on Herat, and the probability a rebellion headed by one of the Shahs Brothers, these two pieces of intelligence seem irreconcileable.

Our Calcutta Brethren have been getting up a new Theatre and giving themselves up to Histrionic delights Their Supreme Court has nearly been at loggerheads with the Government about a Quedah Prince named Tuankee Mahomed Said who had been sent round a prisoner of war from Penang This person is the son of the King of Quedah who ceded Penang to the British and his sons case has excited great commiseration. He was tried for piracy at Penang and acquitted, but was subsequently seized on as a Prisoner of war by the Government of that Island. The case is likely to go before Parliament.

At Madras, Lord Elphinstone has been inaugurated grand Master of the Masons. A disturbance lately took place about 40 miles from Belgaum at a Fort called Nepanee belonging to one of the Jagheridar Families in the Southern Marhatta Country. Some Arabs got into the Fort and would not give it up. In consequence the Political Agent applied for a Force and a Detachment under Major Vivian brought the fellows to their senses in brilliant style in a very short time, the details will be found in our columns. Our Bombay News is chiefly interesting on account of certain proceedings in the Supreme Court, in which the Proprietors of the Bombay Times and the Courier Newspapers were proceeded against for Contempt of Court, in allowing the publishing of comments in those papers on Sir Henry Ropers written reasons, for refusing the prayer of a Petition for administration to a will, to one of the partners of the House of Messrs. Forbes and Co. We have given a full report of the whole case quoting the articles in the Times and Courier on which the proceedings are founded we may say as

"adhuc sub judice lis est."

The parties being called up next Monday to answer the matter in question. In our next Overland the result will be known which will be duly reported. We may wind up our summary by saying that Trade is still very dull, and few Vessels have arrived from England. Numbers however are daily looked for and as we hope our next advices from China will bring us an account of the re-opening of the Trade, we trust for a speedy revival of the languishing commerce of the Port and a general impetus to enterprize and extended mercantile transaction.

The following are the Passengers who proceed by the Steamer *Cleopatra* this day for Suez.

Mrs. Steward and child; Major and Mrs. Whinyates; H. C. Ludlow, Esq. Surgeon Med. service; Lieut. Col. Borthwick, Madras establishment; Lieut. Col. C. A. G. Wallington, Bengal Army; N. A. Wood, Esq. and 3 children; Capt. and Mrs. Higgins; Mr. and Mrs. Spooner, and 2 Children; Lieut. Genl. Sir John Wilson, K. C. B.; Mrs. Croker and Child Mrs. Dix; C. Gobbins, Esq. Bengal Civil service; Capt. H. Dodgin; Capt. Vaux; C. A. Newcomen, Esq.; J. P. Grant, Esq. Bengal Civil service; Capt. J. R. Hail, H. M. 3d Dragoons; Lieut. W. S. Innis Moore, H. M. 16th lancers; R. H. Browne, Esq.; Mr. and Mrs. Timmins; J. L. B. Scott, Esq.; Capt. and Mrs. Powys,; Dr. Hadley, H. M. 40th Regt.; Captain H. Roberts, 9th Regt. M. Native Infantry; Lieut. M. McKenzie, B. Horse Artillery; A Keir, Esq.; Lieut. Smith; Capt. E. Skeyper, 7th Regt. Native Infantry; J. Curnin, Esq.; Captain R. Moresbq, I. N.; Major Genl. Sir W. Cotton; Capt. Cotton; Dr. C. Barclay; Miss Strafford; Lieut. J. D. Moffat, Bengal Cavalry; Lieut Cooks; and Joseph Howden, Esq.

MONTHLY PRECIS

OF INDIAN INTELLIGENCE.

March 3.—WE have heard again from Nepawnee from our old friend "PADDY BISCUIT" it appears "that 400 Prisoners were taken, but many made their escape from a Sally Port on the East of the Fort which was on the oppositeside to our Camp. The Walls of the Fort are about 40 feet high yet they only just peep above the glacis which is very much raised, they are of great thickness & strength being built of stone and chunam. The ditch in most parts has 10 or 12 feet water and in others it is even as deep as 20 feet. In fact every one was astonished at its strength when we gained admittance. If the Garrison had not surrendered we were to have blown the gate open with a nine pounder and stormed the place. Had we done so, it is now thought that our loss would have been very great, and half our force cut off, if we were not finally repulsed. The Fort was so crowded with the enemy that every shell told, and not a man could raise his head above the parapet who was not immediately picked off. The Garrison it appears were divided among themselves which hastened the surrender, and accounts for our so speedily gaining possession of so strong a place. The Prisoners have been marched off to Belgaum and Rutnagherry. We sincerely hope this severe example will have the effect of shewing the Jaghiredars and their blustering and unmanageable followers the futility of raising disputes with the British Government, while we trust it may deter their simple retainers from following their infatuated Masters to the field, and wasting their lives in unprofitable and despairing struggles for a return to the old order of misrule which we may safely predict has "departed never to return."

THE right of the temporary command of the Madras Army on the death of Sir S. Whittingham has caused a little discussion, in the papers of that Presidency. One of the Fane General Officers, Major General Allen, a Queen's Officer who is in command of a Brigade and is only a local Major General was appointed, although a Company's Officer Major General Woulfe who was in Command of a Division at the time, and is a regular Major General (not a local) was passed over. It is said the Adjutant General and Military Secretary at Madras both supported this nomination in the teeth of the interes s of their own service!!! We fully coincide with the view of the case taken by the Calcutta *Englishman* of the 18th of February and do trust that the Company's Officers will take the matter up as one of precedent, if not they may yet have to rue it on another occasion. It is a matter of sufficient disgust to the service of the Honorable Company, that no one of their body is ever selected to command the English Armies in the East, and we think it a glaring neglect and slight upon them, and are only surprized that the Court of Directors at home, some of whom have been in the service themselves, do not stipulate that one at least of the three Armies should alternately be favored with the Command of one of its own Officers. The Officers of H. M. Service have at all times done their duty well, but still they have not spent their lives in this country, nor devoted their best energies from their youth upwards to the Army of which they have formed a part as many of the old Company's Officers have done. We think that Major General Woulfe has been passed over unjustly, and are sure he will confer a benefit on the Armies of India by not suffering his supercession in silence.

A report is again rife that the Force under General Brook's will proceed to Herat as Kamran is said to be tampering with the Persians, and if the intelligence we published in our last issue be true, the British and Persian Forces may essay a trial of strength for (we believe) the first time, as we are not aware of any previous wars waged between the two Powers. Whether such a collision will bring Russia into the field against us remains to be seen. It is well known that Russian influence is paramount at the Court of the Shah and in the former advance on Herat, the Russian Ambassador was with the Persian Army. Herat is the Key to Affghanistan and if Kamran cannot controul his Wuzeer who seems to owe us a grudge, it would be better that Herat and its dependencies should be annexed at once to the Dooranee Empire, we could then maintain a Garrison there, and keep our Ally's newly adjusted empire from foreign invasion. There is no doubt the intrusive King whom we have forced on the Affghans will always be a source of great expence and trouble to us. The Musselmaun population are always mortal haters of the Nazarenes as they jeeringly call us, and we believe bigotry reigns no where with more unlimited severity than in the Affghan Country, our Ally will we again say yet cost us dear, but we have no choice, we have like Nebuchudnezzar set up an idol, and we must make the world bow down to it, or acknowledge at once our rapacity of conquest and our inability to maintain it.

March 5.—WE have the pleasure of laying before our readers a detailed account of the taking of the Nepanee Fort by the Detachment from Belgaum under Major Vivian by an eye witness. An excellent plan was forwarded with it which we regret time will not allow us to give. It will be read with interest by our Military readers. We think it high time all these strong holds in the Southern Marhatta Country should be dismantled, or small Garrisons of our Sepoys placed in them to prevent disturbances, like that which has lately occurred, and which cause much expence, trouble and loss of valuable life without any glory to the Army or advantage to the State.

On the 19th February the Force arrived at this place much disapointed at having had no brush on the road, with some Pindarees whom we were told had been employed by the Garrison to plunder and annoy us on the Line of March.

On approaching the Fort to take up a position to the eastward of it, the Rifle Company and some of the 4th "King's Own" were thrown out to the left, and after proceeding some short distance along the bed of a nulla, occupied some unfinished buildings some 5 or 6 hundred yards from the Fort, and from which some Matchlock men slowly retired, as we approached and without firing a shot seated themselves on the Glacis eyeing the "Tomasha" they had previously determined not to fire the first shot. Our position having been taken up about 12 P. M. fatigue parties were ordered out to throw up a breastwork before, and level the ground for the mortars which by sunset was completed. During this time Captain Hall and the Commanding Officer reconnoitered the Fort, which was found to be remarkably strong, nothing of moment occurred during the night, but at 4 A. M. the men, who had been ordered to be ready accoutred, and had been so the whole night, were quietly desired to "fall in" and (24 Artillery Men, the Light Company of 4th K. O., a Rifle Company of 26th Native Infantry and Grenadier Company of the 18th Regiment Native Infantry) went off with a 9 Pounder to the eastern side by one of "Paddy, short cuts" on approaching the principal Gate, the front of it was found occupied by a considerable number of the enemy who after a sharp fire, and some cold steel, had been administered, were driven in.

The Infantry having taken up a position under the Walls of a Court yard, the Gun was run up, a part of the Wall having been thrown down, so as to command the Batteries, it commenced raking them, whilst the Light Bobs and Rifles continued sniping from the tops, and eaves, of Houses. The Mortar Battery had now commenced operations and doing its duty in excellent style, towards evening, some sheds in which the enemy had crowded, having been pretty well riddled, and the curtain above the Gate, and other works having been knocked to smithereens, the fire slackened, nay almost terminated. A Serjeant of the Artillery having observed three Guns still in statu quo on the Glacis, exclaimed "Ough Blood and Thunder an quns Boy" they 'd be after turning em on us in de night, hurra Boys let's dismount em," and rushed out accompanied by four dashing fellows, who before you could hardly say "by your lave," took a wheel off each, and turned the whole up side down. As a heavy fire was kept up on them whilst doing it, you must allow this was a daring act, but they were not long over their work, and were soon safe amongst their comrades.

Yet as daring a one, in my opinion was the bringing two Men of the Kings Own, from under the very muzzles of the enemy's Guns, who had been shot early in the morning, their comrades now volunteered to fetch them, and with one consent a few of them joined for the purpose, one of them exclaiming "ah then Misther, aint it a burning shame to let them poor boys be lying out in the sun so long, they were shot afore breakfast time, and now must be blistered to pieces with brain fever, so they must, come along, but some of ye, cover us, boys. On reaching the poor fellows we were overjoyed that one of them was still living, although he had been lying five or six hours in the Sun, (and I am happy to say is still alive, and likely to do well).

The sniping and shelling continued at intervals until the following evening when the Garrison surrendered; Neepawney for its size, is one of the strongest Forts I have seen in India, annexed is a rough plan, and section of it. * It is said to have been built

* This plan we will reserve for another issue as it came too late to be lithographed.

by a French Engineer, nothing could surpass the cool and gallant conduct of our Troops on this occasion, Officers and Men vieing with each other, in the execution of their duty, and obedience to commands. I shall give you one instance, Sergeant Willis, of the Artillery having gone with an officer into one of the Bastions, to reconnoitre, detected a fellow in the act of levelling his piece at the latter, for which act of impertinence the Serjeant's cool conduct repaid him, by sending a Ball through him, which made him forget to pull his own trigger, this in my opinion, shews the benefit obtained by discipline.

The enemy kept up a rattling fire on the first evening, and until their Guns were dismounted, they shewed a good share of bravery, their loss must have been severe 70 or 80 at least killed and many wounded (23) some of which are at present in the Hospital in our Camp.

Upwards of (50) fifty pieces of Ordnance principally Brass were found in the Fort, about 70 Arabs are now under escort to Vingorla, and a number of the Natives of India, prisoners in the Camp.

RETURN OF KILLED AND WOUNDED AS ASCERTAINED UP TO 2 P. M. 20TH FEB.

Corps.	Killed	Wounded.	Remarks.
Officers. †		1	Slightly.
Artillery.....		1	Dangerously.
4th King's Own't.	1	5	1 Dangerously 2 Severely & 2 Slightly.
18th Native Infy..	1	1	Severely.
26th Ditto do.....	1	3	Slightly.
Camp Followers..	3	6	
Gun Bullocks.....		1	

† Lieut. Stevens 18th Regiment Native Infantry.

Major Vivian was slightly wounded in the hand.

We have received our Files of Calcutta Papers to the 22nd, Madras to the 25th, and Ceylon to the 16th, of February. From the Calcutta *Englishman* we have extracted two highly interesting letters from Captain Austruther and Mr. Vincent Stanton, the former of whom was still by the last accounts a Prisoner in the hands of the Chinese while the latter has only just escaped from "durance vile." The treatment of both, and of poor Mrs. Noble, appears at first to have been infamous. Heavy chains were put on them and they were shut up in Cages like Wild Beasts. Captain Anstruther's narrative is excellent, and while we feel indignation at the cowardly and brutal conduct of the Chinese in murdering his poor lascar, we are highly pleased with the cheerfulness and equanimity under privations displayed by the gallant Captain. We trust long ere this that he and his Partners in Captivity have been released as well as Mr. Stanton, who also experienced similiar indignities.

The *Englishman* remarks on the present political state of Lahore, the anarchy that prevails, and the impossibility of Shere Singh retaining the Gadee without strong support from the British Government. He also ridicules the idea of the pregnancy of the Widow of Nao-Nehal Singh, but he gives no grounds for such disbelief, and says what we have all along advocated "If she were so the British Government "would undoubtedly support the rights "of the Infant to which she might "give birth leaving however the Seikhs "to form a regency themselves." Now of this time there can be no doubt. We know that in the East it is easy enough to foist a suppositious child on the World, but surely it will become the duty of the Anglo Indian Government, to make strict inquiry, and no doubt if such a claim be advanced, it must be well substantiated, before it is allowed. If no such child however be born, we look at the Lahore Gadee as vacant to all intents and purposes and the Anglo Indian Government at liberty to favor the pretensions of the Party most likely to be subservient to its own views. By placing Shah Shoojah on the throne of the Dooranee Empire as we all know he is a mere Puppet King we have another "*imperium in imperio*" to govern and defend. Now between us, as regards the Bengal Presidency and this Empire, lie the Seikh Territories. They stand in the way of our communications and without a very friendly and partial Government collision of a serious kind will constantly be liable to occur. Whatever partizan we support we must bind down to us not only with the chains of gratitude, but force stronger than obligation. We must subsidize another Monarchy or give up our idea of aiding our Dooranee Ally effectually. Even now Shah Kamran and his Wuzeer Yar Mahommed are said to be arming against us and intriguing to admit a Persian Army into Herat, while Shah Shoojah is reported to have been tampering with the Hill Tribes of Cutch Gundava, and Scinde, to keep our Armies amused in the low Countries below the Bolan Pass. All these reports are strong and in the event of an uproar in the North and North West of the Dooranee Empire we require and must have a safe passage for our Convoys from the Upper Provinces through the Punjaub. This must be secured at any risk, and all squeamishness and delicacy must give way before Political expediency. But we will go further than this and at the risk of being taxed with advocating wildly ambitious ideas we say plainly that the British in India will never be complete until the Seikhs also own our sway. Runjeet Singh was himself only a Hero of fortune. He was the representative of no ancient Dynasty and his posterity have faded away like a dream. He was the despoiler of others and founded an Empire upon therein of several independent small states which had existed since the days of Narrock who in the 16th century founded their sect.

If no son be born to Now-Nehal Singh our Treaty with Runjeet has in Law Language "ceased and determined." The question then will be what is the best policy for ourselves? We have proceeded for years in a career of conquest and acquisition of Power in Hindoostan, our sway is universally admitted even by the Natives themselves to be wisely and well directed, our Territories are fertile and peaceful, our laws obeyed and security for life and property universal. On the contrary in the Seikh Territories all is lawless violence, anarchy and confusion, our frontiers are open to Seikh aggression and our present contented subjects may catch the contagion of revolt from licentious neighbours. It is then our duty to our own subjects as well as our interest to secure speedy and quiet rule in the Punjaub, and if it can be done by no other means we would say boldly to the Governor General march an Army into the heart of the Country, declare the English sway paramount make yourself obeyed, and let the new country pay the expences of the expedition. A few years would soon make the country as much ours as the Deccan and Concan are now, and very little more trouble than occurred in the War with the Peshwa or even so much would settle the whole question of the Seikh's in one smart Campaign, while we might point from the Himalayas to Cape Comorin, and from the Indus to the Ganges, and proudly boast the first united Empire of Hindoostan, for under the Mussulman sway, the Viceroys themselves were Kings and continually in revolt, while the arts and civilization we might hope to introduce might in the great human scale weigh against the aggression of conquest, and plead even for the wildest aspirations of ambition and military glory.

March 8.—From the *Delhi Gazette* of the 24th of February we are put in possession of a few items of News from the Punjaub. Shere Singh is represented as unable to controul his Soldiery while Mr. Clark has stopped the escort of Dost Mahommed at Loodianah in expectation of its services being required. The Buffs and 48th N. I. are also there and sufficient Troops are assembled for a movement if required by the progress of events. The Bengal *Hurkaru*, of the 26th of February says that Now Nehal's Widow is pregnant, and if so Shere Singh will we rather think have a short lease of power. He has been depriving several Jaghiredars of their lands and one Jeet Singh has proceeded to Delhi "on a diplomatic Mis- "sion from the Ranee Chundkoor to "Messrs. Clarke and Metcalfe with an "offer of six annas in the rupee in "exchange for such support from the "Company as shall tend to her re in- "statement on the Musnud as Regent "during the minority of the yet unborn "offspring, of her late son, or as Queen "in the event of the demise of that "issue." Dhyan Singh retains the situation of Prime Minister and seems a sort of 'Vicar of Bray' ready to serve any body as long as his own ends are served, he has received jewels and Khilats to the amount of several lakhs to be faithful to Shere Singh, but is evidently looking out for the highest bidder. We rather think the lot will finally be knocked down to the British, for a licentious soldiery, can never be allowed to run riot without a controuling hand, and our provinces on the frontiers of the Seikhs territories offer tempting opportunities to bands of lawless Pindarries. If the Punjaub question be not soon satisfactorily settled we may look out for great disquiet in the N. West, and if the Persians do advance to Herat the occupation of our Troops on that side would allow of much confusion before a remedy could be applied in the Punjaub, and in the States subservient to us which adjoin. We are the advocates for a speedy armed interference, and no matter who nominally occupies the Gadee, we ought and must be paramount or there will be no peace for us and our new Ally Shah Soojah.

March 10.—We this day publish two official accounts, one of the taking of the Chinese Forts of the Bogue and the other of the taking of Nepaunee by the force under Major Vivian. We have a plan of Nepaunee which we are getting lithographed with a sketch of the attack which will shew what a smart affair it was, and we should have given it with this Paper but the Hoolee Festival has stepped between us and our intentions and we must even wait for another issue. The Official report of the taking of the Bogue Forts is really enough to excite unpleasant feelings. It is evident that the poor devils of Chinese were slaughtered in a brave attempt to defend what from their state of preparations for European warfare was indefensible. The picture of their crawling out of the embrasures to avoid the concentric fire to which they were subjected and being killed in a jump of 20 feet down, is sickening. After all poor Fokie does not seem so contemptible an enemy, and we can only deplore that an unreserved communication with more enlightened nations was not afforded to the bulk of the population by the famous Four stipulations, as an acquaintance with the civilized Powers of Europe might have induced benefits, too extensive to be discussed in an article. The Chinese opinion of the English with the exception of our Military power will not we think be enhanced by the present expedition. We have acted altogether with too little vigour, frittered away our opportunities, and been "*most energetically feeble.*" The Chinese will have seen a large armament which however has made no impression on the Continent, though it has retained the nominal mastery of an Island for a few months. The smoke of the Cannon at the Bogue had not cleared away before they see us at Negociations again, and the determined resistance at the Forts has no doubt been represented to the Imperial Court as the reason for the Barbarians suing for Peace. The Island of Hong-Kong is we believe a desirable acquisition, but still it is "an out-side place" and the Fokies will most likely desert it when we establish our Trade there. The Island itself is only a little larger than Bombay (as we have heard) but it contains magnificent Harbours, is well wooded and watered and has mountains of an extraordinary altitude. Our opinion of the peace is that it will not stand, and we have heard, (we will not say from what quarter) that the Earl of Auckland furnished Sir Hugh Gough with ample powers to express his dissatisfaction with all the arrangements, and a line to be drawn for future operations. The gallant General heard of the attack on the Forts in the Straits and was most awfully annoyed at not having been in time for the fray. Altogether we think the last shot is not yet fired in China, or if it has, for the present, a new source of quarrel will soon arise from the fatuity of Elliot! The poor man seems determined to get the Tea Trade open *at any sacrifice* of national advantage, and honour, and the Opium Merchants may well sigh and groan, for we see no indemnity for them. The Expedition will more than eat up the 6 Millions, and as for the holders of the Opium Bonds, if their Lawyers think they have a case, they had better put in at Canton for a few Bags of the Dollars before they find their way on board H. M. Ships to old England: There is no time to be lost.

The *Agra Ukhbar* of the 27th of February gives us such a hint about the movements of Troops as is quite sufficiently significant. An armed interference we have no doubt is determined on in the Punjaub, as H. M. 16th Lancers the 2nd Troop of Horse Artillery, H. M. 9th Foot, and three Battalions of Native Infantry, all of the Meerut Force have received intimation to be ready for a march to the Westward "in the requisition of Mr. Clark." The *Englishman* of the 27th of February says that "the present Ruler "(i. e. Shere Singh) would be support- "ed by our Government if he claimed "its aid, which of course he will do "in any exigency." Now we are of a totally different opinion, and think the Earl of Auckland has too much the interests of his country at heart to favor any usurper however strongly he may be backed by the influential Sirdars about Lahore. The fact is as we have said before, if no heir be born to Now-Nehal Singh, the Dynasty of Runjeet has passed away, and we are at liberty to adopt any Partizan or take the Sovereignty into our own hands. Now your puppet Sovereigns have hitherto been found very expensive dolls, and the tinsel and rags to clothe them have cost John Company many a rummage into the bottom of his strong box for coin to keep them in Majesty and glory. We have already a long string of these wooden Sovereigns in play, and in future as they die off it would be as well to let the race get extinct. There are very few of the Empires in India as in Europe which have not taken their rise from some fortunate Conqueror, who began his career as a sort of robber and free booter, and finished by levying war, erecting standards and becoming the founder of a race. The Military Spirit of the Natives has been quelled before European physical strength and courage, combined with splendid Military tactics and an improved state of the art of War. They have taken a wise course and have chosen to amalgamate with us rather than offer an unavailing opposition. The Punjaub arose into notice on the declining fortunes of the Mogul Empire and the usurpations of the Mahrattas, both have become subservient to us. The Lion hearted Chief of the Seikhs is no more, his posterity have perished, and his conquests must submit in their turn to the power which has made itself paramount over the whole Peninsula of Hindoostan.

March 12.—The *Englishman* and *Hurkaru* of the 1st of March inform us that Forces are moving toward Ferozepoor to form an Army of interference in the affairs of the Punjaub. Major General Lumley who has been so long Adjutant General of the Bengal Army proceeds immediately by Dawk to Kurnaul "to assume a special command." The *Englishman* says this movement is in support of Shere Singh, but we have our doubts, and would rather suppose the views of Mr. Clarke will materially influence the final arrangements. A very respectable Force is already at the disposition of that Gentleman, and we have no doubt some important results will soon be reported. It is quite impossible that matters should be allowed to remain unsettled any longer and we can only congratulate the Company's Army on one of their own Officers being employed instead of a Fane Major General of Her Majesty's Service. Sir Jasper Nicholl shews his good taste in the selection, and from all we have heard of General Lumley's zeal and ability we have no doubt he will fully warrant the Commander-in-Chief in assigning to him the important duty to which he stands appointed. At all events a new era seems opening for the General Officers of the Company's Service. Two of their number will be employed in command on active service. We mean Generals Brooks and Lumley, while the claims of a third, Major General Woulfe to be acting Commander-in-Chief in Madras have been recognized and admitted. We would have the Officers of the Indian Army stand up a little more for their rights, and we shall soon see less of supercession and slight on occasions of calls for Service. The Company's Army has always done its duty on all occasions, and we need only cite the names of Clive, Ochterlony, Munro, Malcolm, and a host of others to prove the highest talent in their profession among the ranks of the hitherto slighted and superseded General Officers of the Indian Army of the Three Presidencies.

It is with feelings of pain that we have to record another check to our Forces in Scinde. It appears from letters which we have received from Kurrachee of the 1st of March, that the Kujjuck Tribes who occupy a territory called the district of Seebee which occupies the N. E. corner of the plain of Cutch Gundava and commands the water courses from which the latter is supplied, not being either able or willing to pay their arrears of tribute to Shah Shoojah which amounted to 44,000 Rupees resolved rather to fight rather than pay. It was accordingly determined to send a force against the Chief fortified Town about 7 Coss East from Dadur, which from the district is commonly called Seebee, while its real name is Kujjuck. But before mentioning the unfortunate operations of our Troops, it may be as well to describe the localities as far as our information extends. The district of Seebee contains about 30 Villages each under its own peculiar ruler styled Hakim. The Chief Town where all the influential Chiefs reside is the Town of Kujjuck or Seebee, which contains about 4000 men chiefly of the Kujjuck Tribe, Purnee Patans and Selanee Beloochies, and the Town has water on three sides while the fourth is described as impracticable for Artillery. The people of the district are Patans of the Barozye clan and have always paid tribute direct to the Affghan Government and been independent of the Chief of Khelat; the annual revenue only amounts to about Rs. 36,000 while the entire population does not exceed from 5 to 6000 men, of whom 1000 only are fighting men who have no guns, but are armed with Matchlocks and mostly Infantry. Against this Town of Kujjuck or Seebee a force under Colonel Wilson of the 3rd Cavalry consisting of one Troop of the Horse Artillery, the 3rd Cavalry, some of Skinner's and Curtis' Horse and a wing of the 20th N. I. left Baugh from which the place is distant about 40 miles to compel the Chief to pay the tribute To join this force 200 of the 2nd Grenadiers under Captains Rollings with Lieuts. Hogg, Falconer, and Morrison, marched from Dadur on the night of the 18th ultimo, and a junction was effected before Kujjuck on the 20th. An attack was concerted and acted on and was so far successful, that it is said a lodgement was effected within the gate by Lieutenant Creed with about 40 men, when most unhappily he was shot through the heart, and the men attacked by ten times their number were obliged to give ground. In the melee Lieut. Falconer of the Grenadiers and 4 Europeans were killed, and Lieut. Colonel Wilson wounded in the thigh, also Lieutenant Shaw of the Commissariat severely, and 40 Natives. The place is described as being very strong and requiring Battering Artillery, having water nearly all round. The Garrison was estimated at 1200 men but might have consisted of many more. The men of this Tribe are said to be very desperate fellows, having never been vanquished by the Murrees or other neighbouring tribes. On the receipt of this intelligence at Baugh, the whole force was ordered to move out against the place on the following day (the 22nd). The particulars of the attack above mentioned seem not yet to be known but, the common error of despising an enemy appears here to have been the primary cause of the disaster. Had the whole Bhaug force moved at once, this would have been spared, and a march of 40 miles was no such great affair that it might not have been undertaken. The force under Colonel Wilson appears from what we have heard to have been destitute of material for taking a fortified place. No Battering Train, no Pioneers, no scaling ladders are mentioned, merely the Guns of a Troop of Horse Artillery 6 Pounders, insufficient to make any impression on a strong fortress with mud walls a weet ditch and Garrisoned with 1200 desperate fellows. The brilliant successes of Ghuzni and Khelat seem to have set our General Officers on despising the routine of seiges, and nothing but sudden blows and blowing open gates are thought of. The Beloochees and Affghans must now be tolerably up to this method of attack, and "forewarned is forearmed" and from what we can learn by rumours here and there, when the gate was forced open by poor Creed, a rush and charge was made by the Garrison, which on his death carried every thing before it. The truth is there ought to have been some Companies of European Infantry. Had the white faces shewn themselves there is no doubt they would have beaten back any sally and made themselves masters of the place, but these tribes avow a contempt for the Hindoostanees, and on that appreciation of their merits and physical force, assault them with fury and the prestige of success. Sir Thomas Willshire appears to have been quite right in urging the Government at home to send out more European Troops. If we are to maintain our power in Scinde we must have more British Troops. We are now only beginning to reap the fruits of our conquest of Affghanistan and adoption of Shah Shoojah, the pear is ripening, and a tolerably decent annual allowance of blood and treasure will be required to keep up our authority in those countries. If a petty state consisting of only 5 or 6000 inhabitants, will when only 40 miles distant from an overwhelming British Force set us at defiance, refuse our ally tribute and beat back some of our best Troops, what are we to look for when that Force gets above the Bolan Pass and pushes on to Kandahar or ultimately to Herat? Why we shall leave a host of Hornets behind us who will require more Troops from Bombay to keep them in awe, more especially when the Seikhs are on the point of breaking out into open war with us, and can intrigue with all our enemies who will jump at the opportunity of a disturbed neighbourhood to annoy us in every possible way. No more untoward event than the present could well have happend, either for the Army or Politicals, it will detain the former below the pass when it was an object to push on because of the bot season's approach, while the Politicals will be vexed to find that their boasted negociations and the tranquillity they have talked of have all proved nonsense. There is little doubt when the whole Force arrives at Kujjuck it will find it abandoned as

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was the case of late at Khelat. In the mean time we have to lament the loss of our gallant Officers and men in a manner which from all we have hitherto learned is very unsatisfactory.

There is no greater Military error than to despise and undervalue an enemy, and there is scarcely an instance on record in the annals of Indian warfare in which it has not been paid for dearly. Major Clibborn's affair would never have proved disastrous had he possessed sufficient means and information, and we fear the gallant Commander of the attack at Kujjuck will be found to have suffered under similar privations. We shall look anxiously for further details, and as we hear that the official accounts have already been received by Government, we hope that no delay will occur in their speedy publication, in order that no erroneous opinions may be formed nor blame thrown on those who deserve it not.

PROCLAMATION.

March 17.—The Hon'ble J. H. Crawford Esq., appointed by the Hon'ble the Court of Directors to be a Provisional Member of Council at Bombay, has this day taken the Oaths, and his seat as Fourth Member of this Government, under the usual Salute from the Garrison.

By order of the Hon'ble the Governor in Council,
W. R. MORRIS, *Secy. to Govt.*
Bombay Castle, 15th March 1841.

We hail with pleasure the "New Act for consolidating and amending the Regulations concerning Military Courts of requests for Native Officers and Soldiers," as published in the Calcutta Papers, it is far more lenient and favorable than the former, Clause the 1st of the late act allowed the jurisdiction of the Court to extend over all actions for debt and all personal actions not exceeding rupees *four hundred.* The present act limits the cognizance of the Court to Rupees *two hundred,*—this is certainly beneficial. The Court in future is to be composed of not less than three European Commissioned officers, or three Native Commissioned officers with an European officer to superintend and record the proceedings. The superintendence of an European officer will materially assist the Court, as we are perfectly convinced that when an European presides, it adds to the dignity of the Court, and tends to enlighten the other Judges on those points of law, which in many cases, the Native Commissioned officers are not conversant with. The Calcutta *Commercial Advertiser* of the 7th Instant disagrees with us, and argues that not unfrequently the members, when asked for their opinion, "have simply replied," "whatever you think proper." "to the Superintendent." This may be the case in Bengal, but the little experience that we have had, in most cases, we have seen the native commissioned officer deliberately take a view of the case, and altho' opposed by the European Superintendent adhere to their opinion. Native Commissioned officers from having risen from the ranks, are, from the experience they have had in dealing with the Banyans, Shroffs and others attached to the Bazar of the Regiment, aware of the different impositions, that are practised on the unwary, and from being members of a Court, contribute more fully to the administration of Justice in bringing to the notice of the Superintendent, the reliance that is to be placed on the testimony of the Creditor, who in many cases manages by compound interest to swell his debt, to twice the original amount. The urgency of a thorough knowledge of the Law is not requisite, the cases that this Court have to decide being that of merely debt, the simple argument between a Debtor and Creditor, a competent knowledge of how the debt was incurred, for what, and the means and circumstances of the Debtor, are all that are required to be taken into consideration. We are not well versed in the intricacies of Civil Law, but from the amended act, before us must say, that the alterations and additions of the amended act are such as will confer a great boon on the Military generally, and we think contribute in a great measure towards the comfort of the Native Corps.

To the European Inhabitant of a Military Station it will also be a boon, and act perhaps as a check on the Camp Shopkeepers and prevent their giving so much credit to young gentlemen who cannot afford to pay, and thereby get into difficulties which not unfrequently lead to disagreable consequences. With the certainty of always recoining their Coin to the extent of 400 Rupees, Shopkeepers in the outstations often passed goods at extravagant prices on their young customers, and after a Month or two when they found an inability to pay, pulled them up before a Court of Requests, frequently without giving any notice of such intention, and we have known instances where a Shopkeeper has voluntarily relinquished so much of his claim as to bring the sum just within the 400 Rupees. Now that 200 Rupees is the maximum of recovery, their *faith* will proportionably *decrease,* and in the same ratio much distress and uneasiness caused by the visitations of *Duns* and *Monthly visits* to the Cantonment Adowluts will cease and thus render our youthful Military friends free from the sorrows of empty Pockets, and Pay Abstracts shewing a Balance of most elaborately executed *Cyphers.*

March 22.—His Excellency Lieut. General Sir Colin Campbell embarked for Ceylon, yesterday at twelve o'clock under the usual salute.

By the News which we have received through the *Delhi Gazette* and *Agra Ukhbar* we find that the intelligence given by the *United Service Gazette* of the murder of the Ex-Ranee Chand Kowr is incorrect, her favorite Lala Tickchund was assassinated in her presence and in an attempt to save him she was slightly wounded. The aspect of affairs in the Punjaub Scinde and Affghanistan is lowering, and a storm of hostility seems about to burst on our devoted heads. Herat is in the hands of the Persians while Kamran with a Persian Army is advancing on Candahar and favored by the disaffected Chiefs boasts of an intention of dethroning Shah Shoojah and driving the British from Affghanistan. Major Todd and the other Officers has fortunately escaped from him, and General Brooks Force is it is said to be pushed on to Candahar though the Pass with all possible despatch. The Ghilzees are in insurrection in that district and are stated to be on the "qui vive" to join the Persians against us. All this is very pleasant after Two years of warfare and though we have no doubt the Persians will get well thrashed by General Brook's Force if they meet, yet we should like to know what our Political Agents in Scinde are to do when our Forces are moved on. Is it likely that the Murrees, Brahoes and all the Mountain Tribes will be quiet when they find no Military Power to overawe them, and how are our communications to be preserved? People will say "Oh of course more Troops must be sent" so they must but where are they to come from? One half of the Bombay Army is already in Scinde and we cannot space another Regiment. Now we would ask why should not some Madras Troops or some of His Highness the Nizams forces be employed? Even then with so many calls for Troops for the Punjaub Moultan Candahar Cutch Gundava and Scinde, we shall be hardly put to it without a speedy augmentation. The wisdom of Sir Thomas Willshire's recommendations to the Home Authorities to send out more European Troops is now sufficiently apparent. Every disposable man on this side of India will be required. There is also no doubt that this Persian invasion may be traced to Russian intrigue and if so, it is probable some of her Officers will be found directing the Persian levies, while the notorious poverty of the Persian Exchequer will render not a little of her gold necessary. If a Persian Army crosses the Affghan frontier it is tantamount to a declaration of war against us, and if after beating them back which we have no doubt will occur and we cross into Persia, it is probable the Shah will invoke the aid of his ally and Master the Autocrat, and then at last the Tug of War may be looked for in earnest. All this is speculation but it is within the bounds of probability. Happy would it have been if instead of relying on the faith of two scoundrels like Kamran and Yar Mahommed, if our Politicals had garrisoned Herat instead of spending 40,000£ to strengthen it for no purpose but to give us a little more trouble in taking it back again. Policy and Political men seem to have done their worst for British Interests from Canton to Herat, and we can only hope that the lessons we have received may not be lost on us, and that in future we shall trust a little more to the Sword and Bayonet and less to the Pen and Protocol.

We are happy to hear by a letter from Kujjuck dated 4th March that a large booty has been taken in the Town, which was about to be sold, and great expectations were raised that the sale would produce near upon a Lakh of Rupees. This however will have to be divided among General Brook's whole Force, therefore the sum for each individual will amount to a very little. We are glad to be able to state to the friends of Colonel Wilson that his wound is not so dangerous as it was first represented to have been, no amputation is likely to take place, and a few months on Crutches, will probably set that gallant Officer on his legs again.

March 24.—By the Bengal Papers of 16th of March we find the Supreme Court of Calcutta and the Government are at odds about the Quedah Prince Tuankee Mahomed Saad who was lately tried for Piracy in the Queens Courts in the Straits, and acquitted but afterwards detained as a Prisoner of war. The authorities in the Straits seeing that his case occasioned great agitation forwarded the Prisoner to Calcutta in a Vessel called the Diana commanded by Captain Congleton, which arrived on the 18th of February and on the 25th or 26th of that Month, Government sent Captain Johnston with an official order to take the Prisoner to Berhampore. In the mean time a writ of *Habeas Corpus* was issued by the Supreme Court to bring the Prisoner within its jurisdiction, but whe he was sought for in the Diana lo and behole bird was flown, and taken out of the jurisdiction of the Court who have fallen tooth and nail upon Captain Congleton and threaten him with punishment for contempt. The case of the Prisoner seems very hard indeed, and we should think his forced residence at Berhampore though on a Pension must be sufficiently heart breaking. The Government have certainly for the moment prevented the interference of the Supreme Court, but will not be able to prevent the case from finding its way into the British Parliament, and there we rather surmise some curious particulars with regard to the Government of the straits and a certain treaty with the Siamese are likely to come out. We are almost glad that the writ of *Habeas Corpus* was not served in the first instance, as it would have been very unseemly for the Supreme Court and the government to be placed in collision and see them fighting for the body of Taunkee Mahommed Saad, with one party claiming him as Prisoner of War and the other treating him as a free Citizen. His case has excited great commiseration and there is little doubt but a very brief resignation to his fate will serve his cause effectually, as his friends are determined to carry the matter through with our home Government by an appeal to the legislature which has never been slack in loosening the chains of the captive and doing justice to the oppressed.

By the arrival of the *Hugh Lindsay* Yesterday Evening from Kurrachee the 12th March we learn with great regret that Lieut. Colonel Wilson of the 3rd Cavalry has died from the effects of his wounds received at Kujjuck. As we imagined there is a demand for more Troops, and the on dit is that the 15th 17th and 18th Native Infantry are to be sent forthwith to Scinde to take up the country vacated by the Force under General Brooke's, who is already in the Bolan Pass pushing on for Candahar. There can now be no doubt of the truth of the advance of Kamram and it appears all the tribes are again troublesome and ready for an outbreak.—We received this intelligence at a late hour and shall probably be able to add more particulars in our next.

March 26.—We learn that Two Steamers are in orders to proceed to Scinde, which are to convey a large body of European recruits for H. M. 40th 41st and other Corps in Scinde &c. Report also says that H. M. 17th Foot are likely to revisit the scenes of their former conquests and that Two Native Regiments are also to be despatched to that quarter. We think it highly probable that Her Majesty's Corps may go, but as to the Two Native Corps we take leave to express our doubts on the subject From whence are they to come? We believe we may say without contradiction that orders were sent some time ago from the Government of India directing the Bombay Government to augment the Scinde Force but a reply was sent that there was not even a Wing of a Corps available for the duty. If the 15th Regiment N. I. be sent as has been talked of, what Corps can be brought to supply its place? If we are to have no augmentation why not embody a Militia for the Fort Garrison duties as was done years ago in Sir Charles Colvilles time? Our Seapoys are already hardworked and no one can accuse the Bombay Troops of eating the bread of idleness! It has long been rumoured that four Regiments were to be added to our Ranks, but we suppose stern necessity will alone compel our Honorable Masters to agree to such an additional outlay, especially while the expences of Upper Scinde alone are Sixty lakhs, and with Lower Scinde and Affghanistan may be estimated at little short of Two Millions and a half. Luckless was the day when first our forces entered Scinde! From that hour, our expences have gone on augmenting, and now there is no looking back, no withdrawing our feet from the land, but we are pledged to subdue a wild people and support an intrusive Monarch on a tottering Throne. What ultimate advantages may accrue to our Commerce from the opening of the Navigation of the Indus, and the additional Marts for our Merchandize we know not, but at present the fruits of our conquests are not gratifying, and those which have arrived at maturibly are fair to look on, but like the Dead Sea apple prove bitter ashes to the taste. The advance of the Persians on Herat is still confidently spoken of in some quarters, while in others there are Officers of matured judgement who doubt its probability. That they either have or will speedily occupy Herat is very probable, but from what we have heard of the constitution of a Persian Army we almost feel inclined to doubt its movement towards Candahar, without assurance of strong support from the inhabitants of the Country. The Persians are not ignorant of the superiority of European Tactics. Our own Officers have formerly assisted to discipline them, and their leaders must dread an advance into a Foreign Country where operations could be conducted on their flank and rear and their communications be cut off. If however the Persian Army really pushes on to Candahar, the event of one battle will probably decide their fate, and they will retire humbled within their own frontier. Lamentations have been made over the unprepared state of the defences of Candahar and Ghuzni which we think very unnecessary. If once it happens that we are obliged to take up our post in fortifications for our defence in Affghanistan, the Game will be over and we may turn back towards Hindoostan as soon as we like. The Persians must be met and conquered in the field, and if they do come at all we have no doubt it will be our agreeable duty to chronicle such a defeat as will humble Persian pride, and such a thrashing to use their own saying "as their fathers never saw even in a dream."

We find on further inquiry that we were wrong in saying that General Brookes and his Force had entered the Bolan Pass. A part only of his Troops have been pushed on, and the head Quarters up to the 5th of March were still at Kujjuck. Very heavy rain had fallen and the Troops were suffering much from wet and wud. A sale of the plunder found in the Town was going on and great hopes are entertained that a large sum will be realized, which we sincerely hope for the sake of the Captors, who have to say the truth to use the vulgar proverb hitherto "had more Kicks than halfpence. The death of Poor Colonel Wilson is very deeply regretted by the whole Army.

March. 31.—We are enabled to state that there is no foundation for the report of H. M. 17th Regt. having received orders to hold itself in readiness for service. We have also been given to understand that a very high authority has declared that no more of the Regiments of Bombay Native Infantry can be spared, the men in Garrison in Bombay already have only one night in bed which is very hard upon poor Jack Seapoy.

We have received intelligence from General Brooks' Force up to the 10th instant. He was still at Kujjuck, the Scinde irregular Horse had been sent to Shikarpoor. It is stated that General Brooks is to go no further than Quetta which would give reason to suppose (as the Calcutta papers infer) that no hostile movement is expected on the part of the Persians towards Candahar, but that they will content themselves with Herat. General Nott will we hear be the fortunate man if they are to be driven from thence, which we can scarcely doubt as they would be unpleasant neighbours for Shah Shoojah, and moreover Kamran may find too late that he has invited disagreeable guests.

Bengal papers to the 20th instant and *Agra Ukhbar* to the same date have been received.—The former contain nothing particularly interesting. In the latter, "the reason assigned for the flight of Major Todd from Herat, is, his refusal to continue to Yar Mahomed the stipend of 25,000 per annum, allowed by our Government, and the threatening imprisonment to then Major if he dared to stop the allowance,—the Major it appears left the place with thirty followers."—"The Punjaub was in statu quo, but Troops were still being moved towards the Frontier. From the constant addition of Troops, to this advance Force, we suppose that ere long we shall be meddling with the Government of the Punjaub, as it is not at all likely that John Company would at this inclement season of the year, concentrate so large a force to protect his own frontier without he intended to make an advance. At present the Seikh Army appear to be the only Governors and the French and Italian officers are watched and regular Detenus.—Some vigorous hand must be stretched over this lawless soldiery or they will give up the land to pillage and flame. In such a crisis we have a right to interfere, Shere Singh is evidently unable to controul the violent spirits by whom he is surrounded and from all we have heard seems to have none of the qualifications for an absolute Asiatic Monarch. Sunk in debaucheries as he has been represented to have been for years, his mind must be enervated and unstrung. It is probable that some soldier of fortune like Runjeet will arise, and if permitted by us may form a new dynasty. In our opinion this would be more to be desired than the actual possession of the Punjaub by the British, if we secured good commercial treaties. However if we are forced into a war of course we must do the best for ourselves, and if in addition to all our other acquisitions we are to get the dominion of the Seikhs, we can only trust that it may be as much for their advantage as ours, and that under us they may enjoy that peace and protection to which by all accounts they are now entire strangers.

A Bombay "*Government Gazette Extraordinary*" was published yesterday which we have reprinted and which we have no doubt will give universal satisfaction to the whole Army. The detachment of the 5th (the old Kalee Pultun) and the gallant Captain Brown and his Comrades Lieutenant Erskine and Assistant Surgeon Glasse in their defence of Kahun under every privation attracted the applause and sympathy not only of the whole Indian world, but their conduct has reached the shores of England and met with the praise it merits. Kahun is a highly honorable addition to the colours of the gallant 5th, and so long as the events in Scinde are chronicled will the name of Kahun and its defence be triumphantly quoted in its records. We are highly gratified to see also that the conduct of the detachment is to be specially brought to the notice of the Court of Directors, and we trust that body will remember the names of Brown, Erskine and Glasse, whenever honors or substantial rewards may be placed at their disposal.

Government Notification.

SECRET DEPARTMENT.

Bombay Castle, 29th March 1841.

The Honorable the Governor in Council having recently had under his consideration a Narrative of the proceedings of a Detachment of the Strength named in the margin, under the Command of Captain Lewis Brown, of the 5th Regiment Native Infantry, in retaining possession for a period of nearly five months of the Fort of Kahun, in defiance of repeated at-

140 *Rank and File of the 5th Regiment Bombay Native Infantry and one 12 pounder Howitzer in charge of Lieut. D Erskine of the Artillery.*

tempts of the Enemy to dislodge them, has the highest gratification in publicly recording the, high sense he entertains of the distinguished services of Captain Brown and the Detachment under his Command.—In maintaining this post, Captain Brown has reported to Government, that he was most ably seconded by Lieutenant D. Erskine, of the Artillery, and by Mr. Assistant Surgeon Glasse, who was in medical charge of the Garrison.

Notwithstanding the critical position in which the Garrison was placed, and the privations to which they were exposed, Captain Brown nobly refused to surrender the Fort until the last extremity, and then only, after he had secured for himself and brave Comrades, a safe retreat, with all the honors of War. The Governor in Council believes, that there are few instances on record, where under circumstances of such great discouragement, a dangerous and harrassing service, attended by severe privations, has been performed with greater cheerfulness, or with a more zealous devotion to the public service.

In order to testify his admiration, of the gallantry, prudence, and perseverance, which distinguished the conduct of Captain Brown in the defence of Kahun, and the fidelity and bravery of the Officers and Men under his command, the Governor in Council, with the sanction of the Right Hon'ble the Governor General of India in Council is pleased to direct :—

First.—That in consideration of the honor conferred on the 5th Regiment Native Infantry, by the conduct of the Detachment of that Corps, in the defence of Kahun, this Regiment shall be permitted to have "Kahun" inscribed on their Colors, and borne on their appointments.

Second.—That in consideration of the losses of the Detachment, arising from want of Carriage and other causes, a Donation of six months Batta shall be granted to the Survivors of the Garrison of Kahun, and the Heirs of those who fell in it's defence.

Third.—That this order be read at the Head of every Regiment of the Army of this Presidency, at a Special Parade to be held for this purpose.

The Hon'ble the Governor in Council will likewise have great satisfaction in bringing the distinguished services of Captain Brown and the Officers and Men, who composed the Garrison of Kahun, to the favorable notice of the Honorable the Court of Directors.

By order of the Hon'ble the Governor in Council.
J. P. WILLOUGHBY,
Secretary to Government.

BOMBAY.

SHIPPING INTELLIGENCE.

ARRIVALS.

March 2d, French Bring Josephine. J. Gieck, Master, from Bordeaux 4th Oct & Mahi 21st Feb.

March. 4th, Ship Jehangier, H. Hadley, Master, from Singapoor 18th January, Penang 27th Jan. Ceylon 9th Feb. and Allepy 18th February.

March 7th, Brig Novo Viagente, P. M. de Pairo, Master, from Lisbon 17th Sept. *Passengers*—Widow and 3 Children.

Do. 7th, Ship Shaw Allum, E. Evans, Master, from Calcutta 7th Feb. *Passengers.*—Wittington tEsq. J. C. Ferris Esq. Doctor Roth, and 6 Natives.

March 8th, Ship Carnatic, C. Cunningham, Master, from Greenock 17th Sept.

March 11th, The E. I. C. Iron Steamer Medusa, Mr. H. Dawson, in charge from Kurrachie 8th March.

March 14. The *Berenice* Steamer, Captain Young arrived Sunday morning at ¾ past 6. she left Suez on the night of the 24th and stopped at Aden on the 5th Instant for a few hours. She brings the following Passengers :

Lt. General Sir Colin Campbell, Mr. Campbell, 2 Miss Campbells, 2 Miss Roberts, Miss Lynn, Colonel and Mrs, Hunter, Colonel D Baumgardt, Prince Sottykoff, Hon'ble E. Villiers, Baron de Viemar, Mr. Somerset, Mr. Buller, Mr. Brett, Miss Theomager, Mr. Loard, Mr. Ledwick Mr. Fletcher, Mr. Henderson, Mr. Caldecott, Mr. Mayor, Mr. Shubrick, Bishop of Cochin, Mr. Westrop, Mr. Wood, Mr. Laining, Mr. Pittar, Mr. Hudson, Mr. Hardy, Mr. Barnwell, Mr. Smith, Mr. Macauley, Captain McLean, 1 Armenian and 2 Ladies, 1 Servant and 3 Children. 1 Jew and Son, 9 Europeans and 2 Native Servants.

March 15th, Barque John, A. Smith, Master, from Manilla 18th January.

Do. Brig Futhel Barry, G. Bambar, Master, from Bussorah 21st Jany. *Passengers.*—D, Fraser, Asst. Surgeon B. E. Regt. Majee Salle Nacodah, 3 Arab Servants and a Boy.

Do. Brig Brigand, J. Haddow, Master, from China 14th Jan.

Do : Ship Victoria, Abdull Ally Nacodah, from Surat 13th Inst. *Passengers*—75 Natives.

Do. 16th, The E. I. C. Steam Frigate Sesostris, R. Moresby, Esq. Captain from Persian Gulph 10th March.

Do. Ship Kusrovie, J. F. J. Jackson, Master, from Siam and Singapore left Siam 26th Jan., and Singapore 9th Feb.

March 19th, Dadoloy, Mahoud Aujum Nacoda, from Siam 24th January.

Do 20th, Barque Coringa Packet, W. Gibson, Master, from Madras 14th Feb. *Passengers*—Lt. Butler, H. M.'s 41st Regiment. Ensigns Fleming, Hessing, and Madden, Dr. W. Johnstone, with 117 Men and Women.

Do 21st, Barque Olive Branche, W. S. Lindsay, Master, from Bushire 7th Inst *Passengers.*—2 Natives.

March 23. H. C. Steam vessel Hugh Lindsay, Mr. A. Read, in Command, from Kurrachee 19th March.

March 25th, Stremer Medusa, Mr. A. J. Morrison, Commanding, from Kurratchee 22nd March. *Passengers.*—H. Caulfield, H. M. 40th Regt.

Do, The E. I. C. Cutter Margaret, Murjee Alby, Syrang, from Surat.

March 27th, Ship Solomon Shaw, J. Lyons, Master, from Calcutta 8th February.

Do. 28th, H. C. Steam Vessel Medusa, H. Dawson, Master, from Bancoot 27th Instant.

Do. H. C. Brig of War Tigris, A. H. Nott, Commanding from Muscat 18th Inst. *Passengers.*—Merza Aga Merchant.

March 29th, Barque Memnon, John Speed, Master, from Tutocorin 24th February.

Do. 30th, Barque John William Dare, J. Shepherd, Master, from Siam 7th February, Singapore 22d February and Tellicherry 18th March.

Do. 30th, Brig Rossamea, A. Keith, Master, from Newcastle.

Do. 30th, H. C. Steam Vessel Enterprize, Captain C. H. West, from Calcutta 10th and Cochin 26th instant. *Passengers*—Mrs. Timins, Mrs. Lyall, C. Lyall, Esq.—Timins, Esq. J. P. Grant, Esq.—Newcomen, Esq. Lieut. Yule,—Reaitz, Esq. J. B. Scott, Esq. R. B. Brown, Esq. and J. Thompson Esq.

Ds. 31, Brig L'Deux Clementine, H. Ohnix, Master, from Bordeaux 10th Sept.—Passengers, Mr. Forbes and Mr. Sleeman.

DEPARTURES.—March 3rd, Ship Bombay Castle, D. Baxter, Master, to China.

March 4th, Ship Hindoostan, J. Campbell, Master, to Liverpool.

March 9th, Ship Urania, Thomas Ogilvy, Master, to Liverpool.

March 9th, Ship Thomas Coutts, R. E. Warner Master, to Colombo, Cape and London. *Passengers.*—Capt. Hall, Mrs. Hall, 1 Child and 1 European Female Servant, Capt. & Mrs. Faber and 2 Children, 1 European Female Servant and one Native Do., Capt. Young, Mrs. Leckie, Lieut. Campion, and 1 Native Servant, 2 Master, Grimes, 1 Native Female and 1 Male Servant, Mr. J. G. Caulfield, Major Willoughby, Lieut. Hopper and Servant, Master Smith, Mrs. Barnes and 2 Children.

Do. 9th. The E. I. C. Steamer Hugh Lindsay, Mr. A. Read, in charge to Kurrachee. *Passengers.*—Troops.

Do. do. Iron Steamer Satellite, Mr. W. S. Cole, in charge to Kurrachee.

March 16th, The E. I. C. Iron Steamer Medusa, Mr. A. Morrison, Acting Master. to River Indus.

March 16th. Ship Sir Edward Paget, P. Campbell, Master, to London.

Do. 17th, His Highness the Imaum of Muscat's Brig Nassree, Mahomed bin Ebrahim, Nacodah, to Sea.

March 20. Barque Agnes, G. S. Jones, Master, to Colombo, Madras and Calcutta. *Passengers.*—Mr. Riton. Mr. Fletcher, Mr. Houston, Mr. Brevally, Mr. Smith, Lieut. Gordon, Mr. D. Onsleht, Miss Berlone.

Do. 21. Barque Mary Gordon, John Thomas, Master, to Singapore and China.

Do. 22. Barque Simon Taylor, Thomas Brown, Master, to China. *Passengers*—Sir Colin Campbell, and Staff, Mr. Buller, Mr. Prince.

Do. 23. Brig Sada Koopaulay, Syed Mahomed Nacodah, to Colombo.

Do. Do. Brig Josephine, E. Brazer, Master, to Mahi.

March 23rd, Ship Hugh Walker, W. W. Rice, Master, to Clyde.

Do. Barque Arab, F. Hedges, Master, to London. *Passengers.*—Mrs. Hedges, 2 Children and Servant.

Do. 24th, Ship Autit Rahimon, W. C. Lugriu, Master, to China. *Passengers.*—Mrs. Kempt, Mrs. Lugrin and 2 Children.

Do. Arab Ship Fezrabany Hajee, Husson Nassen Nacodah, to Muscat. *Passengers.*—26 Natives.

Do. Ship Julia, W. Eams, Master, to Singapore and China.

Do. 25th Portuguese Barque Marquis of Hastings, C. A. Ozaris, Master, to Singapore and China. *Passengers.*—J. F. Oliveira and 1 Native.

Do. Grab Brig Harsingar, Hajee Woomee Nacodah, to Malay Coast and Calcutta.

March 27th, The E. I. C. Iron Steamer Medusa, Mr. H. Dawson, Acting Master, to Bancoot.

DOMESTIC OCCURRENES.

BOMBAY.

MARRIAGES.—On the 17th March, at St. Andrew's church, Mr. Charles Jones, of the customs flotilla, to mrs. Theresa Ricard.

At Mahabulushwer, on the 9th instant, by the Rev. E. P. Williams, Chaplain, Arthur Morris Esq. 4th Regt. N. I. to Jane, second daughter of Captain Renwick R. N. of Lyttleton Cottage Devon.

On the 30th Instant. by the Rev, R. Keays, Lieut. W. Simpson, Adjutant Marine Batn. to Anne Harriet, Eldest Daughter of W. C. Bruce Esq.

At the Cathedral, Bombay, on Monday the 29th March, by the rev. R. Y. Keays, A. M., mr. James Augustus Cumins, to miss Anne Caroline Tanner.

BIRTHS.—On the 9th Instant, at his residence on the Esplanade, the Lady of P. W. LeGeyt Esq. C. S. of a daughter.

At Kaira, on the 12th March, the lady of R. Keays, esq. c s., of a son.

At Poonah, on thh 15th March, the lady of captain Goodenough, 26th native infantry, of a daughter.

At Poonah, on the 15th March, the lady of captain Griffiths, of the Sixth Royal 1st Warwickshire regiment, of a daughter.

At Surat, on the 5th March, the wife of the revd. Wm. Clarkson, missionary, of a son.

At Poona, on the 21st March, the lady of William Parsons, esq., medical establishment, of a daughter.

At Mazagon, on the 23d March, the lady of lieut. colonel Soppitt, 20th regiment Bombay native infantry, of a son.

DEATHS.—In camp at Sukkur, on Friday the 26th February, after a few days illness, mr. Apothecary Thomas Ross, aged 33 years, leaving a disconsolate widow and a large circle of relatives and friends to bemoan his irreparable loss.

At Ahmedabad, on the 9th March, by falling from the walls of the Fortress—a depth of nearly 40 feet,—Joshua Noble, the only child of subconductor Porrett, of the ordnance department, Kurrachee. He survived the fall about 2 hours, and then gave up his spirit into the hands of his Redeemer, aged 5 years, 10 months and 4 days.

At Girgaum, on the 25th March, mr. C. D. Viegas, aged 35 years, sincerely regretted.

At Bombay, on the 26th March, Henry William, the infant son of mr. W. H. Boult, of the Mint, aged 15 months and 10 days.

In the Fort, on the evening of the 27th March, the wife of sub-conductor W. Parkinson, gun-carriage department, leaving a disconsolate Husband and 2 small children to bemoan their irreparable loss.

BENGAL.

MARRIAGES.—At calcutta, on the 18th February, at the old church, by the Venerable the Archdeacon, George James Simmons, esq. commander of the *Lord Elphirstone*, to Anne Elizabeth, eldest daughter of William Balston, esq., of calcutta.

At calcutta, on the 18th February, at St. Andrew's church, by the reverend dr. James Charles, John Arnott, esq, M. D., Bengal medical establishment, to miss Mary Anne Richardson, of Abbottsford Place Glasgow.

At calcutta, on the 27th February, at the Old Church, by the Venerable the Archdeacon, H. S. Rose, Esq., Miss Matilda Jane Ellison.

At calcutta, on the 18th February, at the Scotch Kirk, by the revd. dr. Charles, mr. S P. Hall, to miss C. Shelly.

At calcutta, on the 25th February, at the cathedral, by the revd. H. Fisher, mr. G. F. Clark, to miss Harriett Sophia Fabian, the only daughter of E. D. Fabian, esq., branch pilot.

At calcutta, on the 1st March, at St. Andrew's Kirk, by the revd. dr. Charles, mr Andrew Boyle, to mrs. Susanna Thompson.

At Kurnaul, on the 18th February, by the reverend mr. Brooke, captain W. B. Thompson, 67th regt, native infantry, sub-assistant commissary general, to Selina Maria Christopher, daughter of George Christopher, esq., of chiswick.

At St. Peter's church, Fort William, on the 19th February, by the reverend H. S. Fisher, mr. samuel Verysey, to miss Mary Smith.

Lately at Mirzapore, by the revd. W Bowley, W., S. Donnithrone, esq., of the civil service, to mrs. E. Smith, relict of the late Henry Nugent Smith, esq, of Tirhoot, daughter of dr. Patton, and niece to the late Brigadier Patton, of Lucknow.

At Meerut on the 17th February, at St, John's church, by the reverend R. Ewing, mr. S. W. Fallon, of the government school, to miss M. McAuliffe, eldest daughter of mr. R. McAuliffe, riding master, horse artillery.

At calcutta, at the Bow Bazar chapel, on the 5th March, by the revd. W. W. Evans, mr. Robert William Cuill, to mrs. C. Gonsalves.

BIRTHS.—At Bhagulpore, on the 18th February, the lady of C. Braddon, Esq., of a son.

At Kishnaghur, on Friday, the 19th February, the lady of J. C. Brown, Esq., civil service, of a daughter.

At Batavia, on the 29th October last, the lady of A. J. A. Rehling, Esq., of twin sons.

At the Cape of Good Hope, on the 10th November, the lady of H. W. Deane, Esq., Bengal civil service, of a son.

At Dacca, on the 18th February, the lady of Captain J. F. Middleton, 32nd Regiment N. I. of a son.

At Ghazeepore, on the 12th February, the lady of Lieutenant Hugh Mackenzie, 2nd European Regiment, of a son.

At Meerut, on the 6th February, the lady of the late H. St. G. Tucker, Esq., of a son.

At Calcutta, on the morning of Sunday, 28th February, the wife of Mr J. Gonsalves, of a daughter.

At Agra, on Thursday, the 18th February, Mrs. Lewis Teyen, of a daughter.

At Calcutta, on the 1st March, Mrs. A. Marroot, of a son.

At Bishop's college, on Monday, the 1st March, the lady of the Reverend G. U. Withers, of Twin Boys, still-born.

At Calcutta, on Tuesday, the 2nd March, Mrs. J. E. Hamilton, widow of the late Mr. William Hamilton, Keeper of the Moyapore Magazine, of a daughter.

At Delhi, on Sunday morning, the 21st February, the lady of Lieutenant Cornish, 10th Regiment N. I. of a son.

DEATHS.—At Calcutta, on the night of the 19th February, Mary, the youngest daughter of T. O'Sullivan, Esq. aged 4 years.

At Dum-Dum, on the 21st February, Annie, the fourth child of Captain F. B. Boileau, horse Artillery, aged 1 year and 8 months.

At Rampore Bhauleah, on the 17th February Henry Dalrymple, the infant son of A. Wilson Esq.

At Calcutta, on the 26th February, Master William Vincent Derosaire, the infant son of Mr. Hilario Derosaire, assistant Sudder Board of Revenue, aged 2 years, 4 months and 17 days, deeply and sincerely regreted by his relatives.

At Calcutta, in Royd Street, at the Residence of Mr. A. Mercado. on the evening of the 27th February, Mr. Mathew Stephen Allen, Assistant presidency Pay office, aged 27 years and 4 days.

At Calcutta, on Sunday the 28th February, Master, A. E. Baptist, the Eldest son of Mr. A. Baptist aged 5 years and 20 days.

At Calcutta, on the 20th February, Mrs. Jane Anne de Bude, lady of Major de Bude, of the Engineers, aged 38 years.

At Barrackpore, on the 22d February, ensign Martin Dunsford, 51st Native Infantry, aged 21 years and 6 months.

At Buxar, on the 31st January, ensign John Beck Eaton, of the 9th Regt. Native Infantry, most sincerely and deservedly regretted by his brother officers, who have to deplore the loss of a very amiable companion and promising young officer.

At Calcutta, on the 27th February, of cholera, Mr. George Buckland, indigo planter, Purneah, aged 55 years.

At Midnapore, on the night of the 1st March, of malignant fever, Mrs. Antonia D. M Sinaes, aged 62 years, leaving her friends and a large circle of relatives to bewail their loss.

At Dinagepore, on the night of the 26th February, Robert Craigie Halkett, Esq. Magistrate and Collector, from a complicated disorder occasioned by exposure whilst on duty in the district.

At Calcutta, on the 5th March, Mr. George William Bowser, son of H. Bowser, Esq. head Master of the Allipore school, aged 17 years and 10 months.

On the 7th February, Mrs. Eliza Kiernander, wife of Charles Henry Kiernander, Esq. head Master, government school, Akyab. (Arrakan). aged 22 years, deeply and sincerely regretted by her disconsolate husband and large circle of relatives and friends.

On the evening of the 6th March, at his late residence, No. 16. Theatre Road, chowringhee, major Gavin Young, 7th regiment native infantry, and judge advocate general of the Bengal army, after a protracted illness, most sincerely and deservedly lamented by a numerous circle of friends ; aged 55 years. The unostentatious and high character ability enjoyed by the deceased, combined with no ordinary acquirements as a scholar, will long be remembered, while his disconsolate widow and large family have to deplore the loss of one of the best of men.

At calcutta, on the 7th March, of ulcerated sore throat, Master William Gardener, aged 8 years, 10 months and 22 days, and on the 8th March, of the same malignant disease, Master Charles Martin Gardener, aged 10 years, 11 months and 26 days, the eldest and younger sons of Mr. and Mrs. Charles Gardener.

At calcutta, on the 9th March, Mrs. Margaret Ashby Class, lady of A. G. Class, esq., merchant, aged 23 years.

At chinsurah, on the 6th March, Elenora Victoria, the infant daughter of Mr. J. M. Vogel, aged 2 years, 10 months and 24 days.

MADRAS.

MARRIAGES.—On the 20th February, at the Cathedral, Madras, by the revd. H. Cotterill, A. M., captain C. M. Macleane, 43d regiment native infantry, and sub-assistant commissary general, to Elvira second daughter of the late rev. R. S. Hutchings, A. M., chaplain at Penang.

At the Vepery church, madras on Tuesday the 23d February, by the rev. H. Cotterill, A. M., mr James Melville Wilson, to Mary Ann Joyes, relict of the late mr. Walter Patrick Joyes.

On Saturday, the 27th February, at the church of the Holy Trinity, Palamcotta, by the rev. A. F. Cæmmerer, the revd. C. E. Macleod (son of the late major Alexander Macleod, to Georgiana Elizabeth, third daughter of the late C. P. Gordon, esq., solicitor at madras.

On the 13th March, by the rev. H. Cotterill, A. M., Henry James Nicols, esq., of the 25th regt. native infantry, and sub-assistant commissary general, to Jessie Isabella, eldest daughter of the late mr. Thomas Prendergast.

At Quilon, 4th March, by the rev. J. Peet, Edward Parry West, esq., eldest son of major general West, to miss Emelia Madge.

BIRTHS.—At Alloor, on route from Secunderabad to Madras, on the 13th February, the lady of lieutenant R. W. Money, 41st regt. M. N. I., of a son and heir.

At Palamcottah, on the 16th February, the lady of captain Cox, 5th regiment native infantry, of a son.

At Penang, on the 23d January, the lady of brevet captain A. B. Kerr, 24th regiment native infantry, of a daughter.

At St. Thomas's Mount, on the 24th February, the lady of the rev. W. T. Blekiusop, of a daughter.

On Friday the 26th February, at Bishopstoke, Kotagherry, the lady of the right reverend the lord Bishop of madras, of a daughter.

At St. Thome, on the 1st March, the lady of J. F. MacKennie, esq., of a son.

At Bangalore, on the 3d March, the lady of major Augustus Clarke, 37th regt. native infantry, of a son.

At calicut, on the 1st March, the lady of captain Hayne, 36th regiment, of a son.

At cannanore, on the 5th March, the lady of brevet captain Wilton, quarter master and interpreter 36th regt., of a son.

DEATHS.—At Nackapilly, on the 13th February, William Bevelle, the infant son of captain F. Russell. 22d regt N. I., during the march of that regiment from Masulipatam to Vizianagram, aged 9 months and 6 days.

At Madras, on the 11th February. mr. John William Moraes, late of the commander in chief's office.

At carshatton park, on the 10th December, Charloite, the beloved wife of Riversdale Grengell, esq.

CALCUTTA.

ENGLISHMAN, MARCH 15.

Letters from an Indigo estate in the neighbourhood of Berhampore mention that a little rain had fallen which had benefited the October and February sowings and allowed of the sowing a few thousand beegahs. The season is said to promise better than for some years past.

The 32d Regt. N. I. left Dacca by water on the 8th instant, and were most unfortunate at the commencement, of their voyage. They encountered a dreadful storm and lost ten boats ; and to add to their miseries the cholera in its most severe form broke out in the fleet carrying off the Serjeant Major, two Native Officers, two Havildars and sixteen Sepoys in the course of 48 hours, and 12 more men had just gone into hospital in a dying state. The 45th Regt. N. I. have lost about ten men by cholera since their arrival at Dacca, but by the latest accounts the desease was disappearing.

We owe it to Dr. Brett to state that he is not a party to the apparently invidious publication of the results of his operations for strabismus. It appears that he has long been familier with the science, but only very lately obtained the requisite instruments, which accounts for his operating simultaneously with Dr. Young.

From Ferozepore we learn that the whole of the Meerut troops, except one regiment of native infantry (the 17th) and the 7th Cavalry and a troop of Horse Artillery, are ordered to hold themselves in readiness for *service*,—but no specification of what or where. However the *leave* orders, published in Saturday's Gazette, have already shown us that both the Kurnaul and Meerut troops were to be kept ready for the field, but their immediate active employment is a point upon which the Governor General is still (unwisely, we think) hesitating.

Now that that the Court-martial on Major Smith has terminated its proceedings (we do not think it at all likely that there will be a revision) and hat it is about to come under the consideration of the Commander-in-chief, there is one point involved in it to which we would once more respectfully but earnestly solicit His Excellency's attention. It is not a point which has the slightest connexion with, or bearing on, the merits of the case (if it had we should not now moot it) but r point of law which may, according as it is determined, vitiate or be of no consequence to the ttal, and which may, from this precedent, arise tw h future courts and occasion either doubts of the law, or a disregard of it, which it were alike inexpedient and improper not to obviate. What we allude to is the non-compliance with the distinct terms of the statute that '*no* proceeding or trial shall be had, *but* between the hours appointed by the officer commanding where the court-martial is held.' We are not again going over our former arguments on this question, as our present object is but to draw attention to the point itself in order that the correct procedure may now be once for all, established for the guidance of the whole service ; but we think there can be no doubt that whether the aforesaid provision of the mutiny act be a wholesome one or not, it must be obeyed so lyng as it is not repealed, or otherwise no accused person can be lawfully *punished* by a court-martial. In the case of an acquittal, the *legality* of the proceedings may not be a matter of such consequence as in the opposite event it undoubtedly must be deemed—for then the investigation may be considered as but tantamount to that by a court of enquiry—but no lawyer will say that a *penalty* can be inflicted under any criminal law, if the provisions of that law he not strictly complied with. In this respect the Commander-in-chief at the Cape, Sir G. Napier, erred in the case which we published a few days since, in requiring a sentence of *cashiering* in virtue of a speific article of war, though the court had not specifically found the prisoner guilty of *that part* of the charge (or rather the inference from it) which contained the *words* of the article—but this by the way. In the case to which we now endeavour to secure consideration, the error—or what we have alleged to be such—of the court's assembling at an hour which was *not* between any hours appointed by the prescribed authority, was particularly rectified, after, or on, the third day's sitting ; but as the court had been originally *instituted*, by being sworn in as a court, at a time which had not been egalised by a due observance of the statute, we think considerable doubt may be entertained whether a mere return to the statutory provision, which could not rectify the first mistake, is enough to render the court, abinitio, a legally constituted tribunal. It is true, neither of the parties objected to the course pursued, but we apprehend that the acquiescence of parties cannot cure a judicial infraction of an act of Parliament, nor render proceedings thaken before an illegally constituted court, other than proceedings *coram non judice*. The present court's assembling legally on the third day, does not remedy the defect of its illegal formation on the first day ; any more than if the swearing in had been forgotten on the first day, its being done on a subsequent day would have legalised the previous proceedings. Suppose the officer commanding in Fort William had appointed the period between eleven and three o'clock for the court's sitting, and suppose had nevertheless assembled at six in the morning and sat still four P. M. ?—no one will say that *that* would have been legal ; and yet it would be just as much so, as it's sitting without his appointment of the extreme hours, *when that is a condition laid on by the statute*. Suppose the general order for its assemblage had specified the *third* of the month as the *day* on which it should first meet, and suppose it had met on the *second*, would that have been legal ? Certainly not, and yet with more reason is a non attendance to the *time of the day* objected to, because there is a specific provision for that in the act of Parliament. We venture to assert, that if this had been a life and death case, and the prisoner been sentenced to be hanged or shot, the Commander-in-Chief and Government would not have dered to have executed the sentence ; and on a like principle even an adjudged reprimand cannot be inflicted,—and an acquittal cannot be based upon any legal judgment.

ENGLISHMAN, MARCH 16.

We commend the following article from this morning's *Hurkaru* to the attention of the Jessore residents, who may be in any degree acquainted with the facts of the case. Concealment now is not only criminal but absurd :—

'On the 12th instant, the *Englishman* published a rumour that had reached him, of a lady, at Jessore, having been brought to an untimely end, by the violence of her husband. Some further rumours of the affair have reached us, and if only one half of what we have been told be true, a more brutal and systematic murder never was perpetrated. The rumours current, among the Planters of Jessore, are, we are told, that the brutal husband, in consequence of some offence given him by his wife, had for several months, been in the habit of constantantly beating her in a most barbarous manner. That she had pined under the ill usage she was subjected to, and, finally expired—either while her murderer was beating her, or shortly after she had suffered such an infliction from him. That on a *post mortem* examination, by the friends who came to administer the last rites to the unfortunate victim, her body exhibited innumerable marks of extreme violence ; and that, upon the brutal husband being remonstrated with, on the subject, by a friend, he had written to say, that he had not behaved half cruelly enough towards her !

The above is a qualified statement of the substance of the rumours said to be generally current in Jessore, and which have found their way to Calcutta ; yet the magistrate of the district, apparently, knows nothing about the matter !—not a single individual seems to be cognizant of the duty the law of the land demands of him !—the homicide) who, we understand, has hitherto moved in the society of gentlemen) has been left at liberty, to roam whither he pleases, and declare, that in beating his wife to death, he had not treated her half severely enough !—no legal inquest has been held over the body of the murdered lady, which has been quietly consigned to the tomb, where, long ere this, decomposition obliterated all the traces of the ill usage she has suffered, which might have been adduced as evidence against her murderer. We know not what portion of truth there is in the statement that has been made to us ; but of this we are sure—that, whether true or false, the parties who have given origin to the rumours in circulation, have been guilty of a gross libel ; and if the tale be true, they have not only perpetuated a libel, but likewise rendered themselves *particeps criminis* accessories after the fact, to a barbarous murder ; and if brought before a legal tribunal, they will not only be afforded a practical illustration of the adage—'the greater the truth, the greater the libel ; but be tried for their lives, in aiding and abetting murder, by not acquainting proper authorities with the circumstance, when it came to their knowledge. It behoves the magistrate of Jessore, to make immediate and diligent enquiry, on this subject, and in the hopes that the affair will be throughly sifted, and consign punishment visited on the guilty party, we shall, for the present, refrain from any further notice of the subject.

We omited to mention, in giving our Scinde news yesterday, that we were not in possession of the actual date of the unfortunate occurrence, but taking the date of one of our letters as a guide, we should say that it must have taken place on the 18th or 19th ultimo,—but the *Hurkaru* will probably ascertain that particular, a week hence, via Bombay, and then embody it in a fresh account as news. He finds from his last Bombay papers that General Brookes was ordered to push on to Herat, but the General seems to have found different employment for the present, and we suspect that if the army move up the Pass towards Shawl, the step will be a signal to various predatory tribes of Beloochees, especially the Brahoocees, to commence their plundering campaign for the hot season. Our own letters from Scinde inform us that the final terms offered to the Horat ruler are that he shall pay a tribute to us of three lacs per annum. and admit a permanent Garrison of our troops, and that six or eight thousand Bombay troops are to move immediately up the Bolan Pass ; but we are not disposed to place full credit in this account, for it does not tally with our information from other sources, and besides that it would be an ill judged measure, we very much doubt the truth of the report, which we know the Scinde politicals received (indeed we were the first to give it *as received by them*) of the march of a Persian army on Herat, at the invitation of Yar Mahomed, though we feel no doubt at all that the notion of our obtaining tribute from Herat is altogether farcical. The accounts of the Persian movement reached Scinde from a quarter that *might* have seemed to the officials there to be very excellent authority, but the enterprise is not one which we can bring ourselves to suppose that the Persian would be fool enough to undertake, and we rather surmise that Government does not place reliance on the rumour. With respect to the reported move of a Bombay force upwards, however we believe we are quite right in saying that it is intended to occupy all our positions eastward of Candahar,—Quetta and Khelat inclusive,—with Bombay troops *ultimately* ; but when our Scinde friends tell us they are all on the qui vive, expecting orders to march upon *Herat*, in consequence of the late report from that quarter, we must endeavour to allay their excitement by telling them that, whatever their local Politicals may wish, the Governor General can have no desire to send troops thither, in a state of affairs which would not politically justify any such advance. Perhaps we cannot find much fault with —at least there may be extenuation for—the Scinde policians placing such ready belief as they appear to be doing in the information transmitted to them by our Agent at Herat, but we apprehend that the soberer and more reflecting Calcutta Cabinet will not prove equally credulous with respect to his accounts of Persian armies moving in that direction ; and we may take leave to say that in transmitting such alarming accounts, with the stamp of his own belief upon them, he is evincing a want of judgement, discernment and discretion, which does not enhance the value of a diplomatic character.

tempts of the Enemy to dislodge them, has the highest gratification in publicly recording the, high sense he entertains of the distinguished services of Captain Brown and the Detachment under his Command.—In maintaining this post, Captain Brown has reported to Government, that he was most ably seconded by Lieutenant D. Erskine, of the Artillery, and by Mr. Assistant Surgeon Glasse, who was in medical charge of the Garrison.

Notwithstanding the critical position in which the Garrison was placed, and the privations to which they were exposed, Captain Brown nobly refused to surrender the Fort until the last extremity, and then only, after he had secured for himself and brave Comrades, a safe retreat, with all the honors of War. The Governor in Council believes, that there are few instances on record, where under circumstances of such great discouragement, a dangerous and harrassing service, attended by severe privations, has been performed with greater cheerfulness, or with a more zealous devotion to the public service.

In order to testify his admiration, of the gallantry, prudence, and perseverance, which distinguished the conduct of Captain Brown in the defence of Kahun, and the fidelity and bravery of the Officers and Men under his command, the Governor in Council, with the sanction of the Right Hon'ble the Governor General of India in Council is pleased to direct :—

First.—That in consideration of the honor conferred on the 5th Regiment Native Infantry, by the conduct of the Detachment of that Corps, in the defence of Kahun, this Regiment shall be permitted to have "Kahun" inscribed on their Colors, and borne on their appointments.

Second.—That in consideration of the losses of the Detachment, arising from want of Carriage and other causes, a Donation of six months Batta shall be granted to the Survivors of the Garrison of Kahun, and the Heirs of those who fell in it's defence.

Third.—That this order be read at the Head of every Regiment of the Army of this Presidency, at a Special Parade to be held for this purpose.

The Hon'ble the Governor in Council will likewise have great satisfaction in bringing the distinguished services of Captain Brown and the Officers and Men, who composed the Garrison of Kahun, to the favorable notice of the Honorable the Court of Directors.

By order of the Hon'ble the Governor in Council.
J. P. WILLOUGHBY,
Secretary to Government.

BOMBAY.

SHIPPING INTELLIGENCE.

ARRIVALS.

March 2d, French Bring Josephine. J. Gieck, Master, from Bordeaux 4th Oct & Mahi 21st Feb.

March. 4th, Ship Jehangier, H. Hadley, Master, from Singapoor 18th January, Penang 27th Jan. Ceylon 9th Feb. and Allepy 18th February.

March 7th, Brig Novo Viagente, P. M. de Pairo, Master, from Lisbon 17th Sept. *Passengers*—Widow and 3 Children.

Do. 7th, Ship Shaw Allum, E. Evans, Master, from Calcutta 7th Feb. *Passengers.*—Wittington tEsq. J. C. Ferris Esq. Doctor Roth, and 6 Natives.

March 8th, Ship Carnatic, C. Cunningham, Master, from Greenock 17th Sept.

March 11th, The E. I. C. Iron Steamer Medusa, Mr. H. Dawson, in charge from Kurrachie 8th March.

March 14. The *Berenice* Steamer, Captain Young arrived Sunday morning at ¾ past 6. she left Suez on the night of the 24th and stopped at Aden on the 5th Instant for a few hours. She brings the following Passengers :

Lt. General Sir Colin Campbell, Mr. Campbell, 2 Miss Campbells, 2 Miss Roberts, Miss Lynn, Colonel and Mrs, Hunter, Colonel D Baumgardt, Prince Sottykoff, Hon'ble E. Villiers, Baron de Viemar, Mr. Somerset, Mr. Buller, Mr. Brett, Miss Theomager, Mr. Loard, Mr. Ledwick Mr. Fletcher, Mr. Henderson, Mr. Caldecott, Mr. Mayor, Mr. Shubrick, Bishop of Cochin, Mr. Westrop, Mr. Wood, Mr. Laining, Mr. Pittar, Mr. Hudson, Mr. Hardy, Mr. Barnwell, Mr. Smith, Mr. Macauley, Captain McLean, 1 Armenian and 2 Ladies, 1 Servant and 3 Children. 1 Jew and Son, 9 Europeans and 2 Native Servants.

March 15th, Barque John, A. Smith, Master, from Manilla 18th January.

Do. Brig Futhel Barry, G. Bambar, Master, from Bussorah 21st Jany. *Passengers.*—D, Fraser, Asst. Surgeon B. E. Regt. Majee Salle Nacodah, 3 Arab Servants and a Boy.

Do. Brig Brigand, J. Haddow, Master, from China 14th Jan.

Do : Ship Victoria, Abdull Ally Nacodah, from Surat 13th Inst. *Passengers*—75 Natives.

Do. 16th, The E. I. C. Steam Frigate Sesostris, R. Moresby, Esq. Captain from Persian Gulph 10th March.

Do. Ship Kusrovie, J. F. J. Jackson, Master, from Siam and Singapore left Siam 26th Jan., and Singapore 9th Feb.

March 19th, Dadoloy, Mahoud Aujum Nacoda, from Siam 24th January.

Do 20th, Barque Coringa Packet, W. Gibson, Master, from Madras 14th Feb. *Passengers*—Lt. Butler, H. M.'s 41st Regiment. Ensigns Fleming, Hessing, and Madden, Dr. W. Johnstone, with 117 Men and Women.

Do 21st, Barque Olive Branche, W. S. Lindsay, Master, from Bushire 7th Inst *Passengers.*—2 Natives.

March 23. H. C. Steam vessel Hugh Lindsay, Mr. A. Read, in Command, from Kurrachee 19th March.

March 25th, Stremer Medusa, Mr. A. J. Morrison, Commanding, from Kurratchee 22nd March. *Passengers.*—H. Caulfield, H. M. 40th Regt.

Do, The E. I. C. Cutter Margaret, Murjee Alby, Syrang, from Surat.

March 27th, Ship Solomon Shaw, J. Lyons, Master, from Calcutta 8th February.

Do. 28th, H. C. Steam Vessel Medusa, H. Dawson, Master, from Bancoot 27th Instant.

Do. H. C. Brig of War Tigris, A. H. Nott, Commanding from Muscat 18th Inst. *Passengers.*—Merza Aga Merchant.

March 29th, Barque Memnon, John Speed, Master, from Tutocorin 24th February.

Do. 30th, Barque John William Dare, J. Shepherd, Master, from Siam 7th February, Singapore 22d February and Tellicherry 18th March.

Do. 30th, Brig Rossamea, A. Keith, Master, from Newcastle.

Do. 30th, H. C. Steam Vessel Enterprize, Captain C. H. West, from Calcutta 10th and Cochin 26th instant. *Passengers*—Mrs. Timins, Mrs. Lyall, C. Lyall, Esq.—Timins, Esq. J. P. Grant, Esq.—Newcomen, Esq. Lieut. Yule,—Reaitz, Esq. J. B. Scott, Esq. R. B. Brown, Esq. and J. Thompson Esq.

Ds. 31, Brig L'Deux Clementine, H. Ohnix, Master, from Bordeaux 10th Sept.—Passengers, Mr. Forbes and Mr. Sleeman.

DEPARTURES.—March 3rd, Ship Bombay Castle, D. Baxter, Master, to China.

March 4th, Ship Hindoostan, J. Campbell, Master, to Liverpool.

March 9th, Ship Urania, Thomas Ogilvy, Master, to Liverpool.

March 9th, Ship Thomas Coutts, R. E. Warner Master, to Colombo, Cape and London. *Passengers.*—Capt. Hall, Mrs. Hall, 1 Child and 1 European Female Servant, Capt. & Mrs. Faber and 2 Children, 1 European Female Servant and one Native Do., Capt. Young, Mrs. Leckie, Lieut. Campion, and 1 Native Servant, 2 Master, Grimes, 1 Native Female and 1 Male Servant, Mr. J. G. Caulfield, Major Willoughby, Lieut. Hopper and Servant, Master Smith, Mrs. Barnes and 2 Children.

Do. 9th, The E. I. C. Steamer Hugh Lindsay, Mr. A. Read, in charge to Kurrachee. *Passengers.*—Troops.

Do. do. Iron Steamer Satellite, Mr. W. S. Cole, in charge to Kurrachee.

March 16th, The E. I. C. Iron Steamer Medusa, Mr. A. Morrison, Acting Master. to River Indus.

March 16th. Ship Sir Edward Paget, P. Campbell, Master, to London.

Do. 17th, His Highness the Imaum of Muscat's Brig Nassree, Mahomed bin Ebrahim, Nacodah, to Sea.

March 20. Barque Agnes, G. S. Jones, Master, to Colombo, Madras and Calcutta. *Passengers.*—Mr. Riton. Mr. Fletcher, Mr. Houston, Mr. Brevally, Mr. Smith, Lieut. Gordon, Mr. D. Onsleht, Miss Berlone.

Do. 21. Barque Mary Gordon, John Thomas, Master, to Singapore and China.

Do. 22. Barque Simon Taylor, Thomas Brown, Master, to China. *Passengers*—Sir Colin Campbell, and Staff, Mr. Buller, Mr. Prince.

Do. 23. Brig Sada Koopaulay, Syed Mahomed Nacodah, to Colombo.

Do. Do. Brig Josephine, E. Brazer, Master, to Mahi.

March 23rd, Ship Hugh Walker, W. W. Rice, Master, to Clyde.

Do. Barque Arab, F. Hedges, Master, to London. *Passengers.*—Mrs. Hedges, 2 Children and Servant.

Do. 24th, Ship Autit Rahimon, W. C. Lugriu, Master, to China. *Passengers.*—Mrs. Kempt, Mrs. Lugrin and 2 Children.

Do. Arab Ship Fezrabany Hajee, Husson Nassen Nacodah, to Muscat. *Passengers.*—26 Natives.

Do. Ship Julia, W. Eams, Master, to Singapore and China.

Do. 25th Portuguese Barque Marquis of Hastings, C. A. Ozaris, Master, to Singapore and China. *Passengers.*—J. F. Oliveira and 1 Native.

Do. Grab Brig Harsingar, Hajee Woomee Nacodah, to Malay Coast and Calcutta.

March 27th, The E. I. C. Iron Steamer Medusa, Mr. H. Dawson, Acting Master, to Bancoot.

DOMESTIC OCCURRENES.

BOMBAY.

MARRIAGES.—On the 17th March, at St. Andrew's church, Mr. Charles Jones, of the customs flotilla, to mrs. Theresa Ricard.

At Mahabulushwer, on the 9th instant, by the Rev. E. P. Williams, Chaplain, Arthur Morris Esq. 4th Regt. N. I. to Jane, second daughter of Captain Renwick R. N. of Lyttleton Cottage Devon.

On the 30th Instant. by the Rev, R. Keays, Lieut. W. Simpson, Adjutant Marine Batn. to Anne Harriet, Eldest Daughter of W. C. Bruce Esq.

At the Cathedral, Bombay, on Monday the 29th March, by the rev. R. Y. Keays, A. M., mr. James Augustus Cumins, to miss Anne Caroline Tanner.

BIRTHS.—On the 9th Instant, at his residence on the Esplanade, the Lady of P. W. LeGeyt Esq. C. S. of a daughter.

At Kaira, on the 12th March, the lady of R. Keays, esq. c s., of a son.

At Poonah, on thh 15th March, the lady of captain Goodenough, 26th native infantry, of a daughter.

At Poonah, on the 15th March, the lady of captain Griffiths, of the Sixth Royal 1st Wurwickshire regiment, of a daughter.

At Surat, on the 5th March, the wife of the revd. Wm. Clarkson, missionary, of a son.

At Poona, on the 21st March, the lady of William Parsons, esq., medical establishment, of a daughter.

At Mazagon, on the 23d March, the lady of lieut. colonel Soppitt, 20th regiment Bombay native infantry, of a son.

DEATHS.—In camp at Sukkur, on Friday the 26th February, after a few days illness, mr. Apothecary Thomas Ross, aged 33 years, leaving a disconsolate widow and a large circle of relatives and friends to bemoan his irreparable loss.

At Ahmedabad, on the 9th March, by falling from the walls of the Fortress—a depth of nearly 40 feet,—Joshua Noble, the only child of subconductor Porrett, of the ordnance department, Kurrachee. He survived the fall about 2 hours, and then gave up his spirit into the hands of his Redeemer, aged 5 years, 10 months and 4 days.

At Girgaum, on the 25th March, mr. C. D. Viegas, aged 35 years, sincerely regretted.

At Bombay, on the 26th March, Henry William, the infant son of mr. W. H. Boult, of the Mint, aged 15 months and 10 days.

In the Fort, on the evening of the 27th March, the wife of sub-conductor W. Parkinson, gun-carriage department, leaving a discousolate Husband and 2 small children to bemoan their irreparable loss.

BENGAL.

MARRIAGES.—At calcutta, on the 18th February, at the old church, by the Venerable the Archdeacon, George James Simmons, esq. commander of the *Lord Elphirstone*, to Anne Elizabeth, eldest daughter of William Balston, esq., of calcutta.

At calcutta, on the 18th February, at St. Andrew's church, by the reverend dr. James Charles, John Arnott, esq, M. D., Bengal medical establishment, to miss Mary Anne Richardson, of Abbottsford Place Glasgow.

At calcutta, on the 27th February, at the Old Church, by the Venerable the Archdeacon, H. S. Rose, Esq., Miss Matilda Jane Ellison.

At calcutta, on the 18th February, at the Scotch Kirk, by the revd. dr. Charles, mr. S P. Hall, to miss C. Shelly.

At calcutta, on the 25th February, at the cathedral, by the revd. H. Fisher, mr. G. F. Clark, to miss Harriett Sophia Fabian, the only daughter of E. D. Fabian, esq., branch pilot.

At calcutta, on the 1st March, at St. Andrew's Kirk, by the revd. dr. Charles, mr Andrew Boyle, to mrs. Susanna Thompson.

At Kurnaul, on the 18th February, by the reverend mr. Brooke, captain W. B. Thompson, 67th regt, native infantry, sub-assistant commissary general, to Selina Maria Christopher, daughter of George Christopher, esq., of chiswick.

At St. Peter's church, Fort William, on the 19th February, by the reverend H. S. Fisher, mr. samuel Verysey, to miss Mary Smith.

Lately at Mirzapore, by the revd. W Bowley, W., S. Donnithrone, esq., of the civil service, to mrs. E. Smith, relict of the late Henry Nugent Smith, esq, of Tirhoot, daughter of dr. Patton, and niece to the late Brigadier Patton, of Lucknow.

At Meerut on the 17th February, at St, John's church, by the reverend R. Ewing, mr. S. W. Fallon, of the government school, to miss M. McAuliffe, eldest daughter of mr. R. McAuliffe, riding master, horse artillery.

At calcutta, at the Bow Bazar chapel, on the 5th March, by the revd. W. W. Evans, mr. Robert William Cuill, to mrs. C. Gonsalves.

BIRTHS.—At Bhagulpore, on the 18th February, the lady of C. Braddon, Esq., of a son.

At Kishnaghur, on Friday, the 19th February, the lady of J. C. Brown, Esq., civil service, of a daughter.

At Batavia, on the 29th October last, the lady of A. J. A. Rehling, Esq., of twin sons.

At the Cape of Good Hope, on the 10th November, the lady of H. W. Deane, Esq., Bengal civil service, of a son.

At Dacca, on the 18th February, the lady of Captain J. F. Middleton, 32nd Regiment N. I. of a son.

At Ghazeepore, on the 12th February, the lady of Lieutenant Hugh Mackenzie, 2nd European Regiment, of a son.

At Meerut, on the 6th February, the lady of the late H. St. G. Tucker, Esq., of a son.

At Calcutta, on the morning of Sunday, 28th February, the wife of Mr J. Gonsalves, of a daughter.

At Agra, on Thursday, the 18th February, Mrs. Lewis Teyen, of a daughter.

At Calcutta, on the 1st March, Mrs. A. Marroot, of a son.

At Bishop's college, on Monday, the 1st March, the lady of the Reverend G. U. Withers, of Twin Boys, still-born.

At Calcutta, on Tuesday, the 2nd March, Mrs. J. E. Hamilton, widow of the late Mr. William Hamilton, Keeper of the Moyapore Magazine, of a daughter.

At Delhi, on Sunday morning, the 21st February, the lady of Lieutenant Cornish, 10th Regiment N. I. of a son.

DEATHS.—At Calcutta, on the night of the 19th February, Mary, the youngest daughter of T. O'Sullivan, Esq. aged 4 years.

At Dum-Dum, on the 21st February, Annie, the fourth child of Captain F. B. Boileau, horse Artillery, aged 1 year and 8 months.

At Rampore Bhauleah, on the 17th February Henry Dalrymple, the infant son of A. Wilson Esq.

At Calcutta, on the 26th February, Master William Vincent Derosaire, the infant son of Mr. Hilario Derosaire, assistant Sudder Board of Revenue, aged 2 years, 4 months and 17 days, deeply and sincerely regreted by his relatives.

At Calcutta, in Royd Street, at the Residence of Mr. A. Mercado. on the evening of the 27th February, Mr. Mathew Stephen Allen, Assistant presidency Pay office, aged 27 years and 4 days.

At Calcutta, on Sunday the 28th February, Master, A. E. Baptist, the Eldest son of Mr. A. Baptist aged 5 years and 20 days.

At Calcutta, on the 20th February, Mrs. Jane Anne de Bude, lady of Major de Bude, of the Engineers, aged 38 years.

At Barrackpore, on the 22d February, ensign Martin Dunsford, 51st Native Infantry, aged 21 years and 6 months.

At Buxar, on the 31st January, ensign John Beck Eaton, of the 9th Regt. Native Infantry, most sincerely and deservedly regretted by his brother officers, who have to deplore the loss of a very amiable companion and promising young officer.

At Calcutta, on the 27th February, of cholera, Mr. George Buckland, indigo planter, Purneah, aged 55 years.

At Midnapore, on the night of the 1st March, of malignant fever, Mrs. Antonia D. M Sinaes, aged 62 years, leaving her friends and a large circle of relatives to bewail their loss.

At Dinagepore, on the night of the 26th February, Robert Craigie Halkett, Esq. Magistrate and Collector, from a complicated disorder occasioned by exposure whilst on duty in the district.

At Calcutta, on the 5th March, Mr. George William Bowser, son of H. Bowser, Esq. head Master of the Allipore school, aged 17 years and 10 months.

On the 7th February, Mrs. Eliza Kiernander, wife of Charles Henry Kiernander, Esq. head Master, government school, Akyab. (Arrakan). aged 22 years, deeply and sincerely regretted by her disconsolate husband and large circle of relatives and friends.

On the evening of the 6th March, at his late residence, No. 16. Theatre Road, chowringhee, major Gavin Young, 7th regiment native infantry, and judge advocate general of the Bengal army, after a protracted illness, most sincerely and deservedly lamented by a numerous circle of friends ; aged 55 years. The unostentatious and high character ability enjoyed by the deceased, combined with no ordinary acquirements as a scholar, will long be remembered, while his disconsolate widow and large family have to deplore the loss of one of the best of men.

At calcutta, on the 7th March, of ulcerated sore throat, Master William Gardener, aged 8 years, 10 months and 22 days, and on the 9th March, of the same malignant disease, Master Charles Martin Gardener, aged 10 years, 11 months and 26 days, the eldest and younger sons of Mr. and Mrs. Charles Gardener.

At calcutta, on the 9th March, Mrs. Margaret Ashby Class, lady of A. G. Class, esq., merchant, aged 23 years.

At chinsurah, on the 6th March, Elenora Victoria, the infant daughter of Mr. J. M. Vogel, aged 2 years, 10 months and 24 days.

MADRAS.

MARRIAGES.—On the 20th February, at the Cathedral, Madras, by the revd. H. Cotterill, A. M., captain C. M. Macleane, 43d regiment native infantry, and sub-assistant commissary general, to Elvira second daughter of the late rev. R. S. Hutchings, A. M., chaplain at Penang.

At the Vepery church, madras on Tuesday the 23d February, by the rev. H. Cotterill, A. M., mr James Melville Wilson, to Mary Ann Joyes, relict of the late mr. Walter Patrick Joyes.

On Saturday, the 27th February, at the church of the Holy Trinity, Palamcotta, by the rev. A. F. Cæmmerer, the revd. C. E. Macleod (son of the late major Alexander Macleod, to Georgiana Elizabeth, third daughter of the late C. P. Gordon, esq., solicitor at madras.

On the 13th March, by the rev. H. Cotterill, A. M., Henry James Nicols, esq., of the 25th regt. native infantry, and sub-assistant commissary general, to Jessie Isabella, eldest daughter of the late mr. Thomas Prendergast.

At Quilon, 4th March, by the rev. J. Peet, Edward Parry West, esq., eldest son of major general West, to miss Emelia Madge.

BIRTHS.—At Alloor, on route from Secunderabad to Madras, on the 13th February, the lady of lieutenant R. W. Money, 41st regt. M. N. I., of a son and heir.

At Palamcottah, on the 16th February, the lady of captain Cox, 5th regiment native infantry, of a son.

At Penang, on the 23d January, the lady of brevet captain A. B. Kerr, 24th regiment native infantry, of a daughter.

At St. Thomas's Mount, on the 24th February, the lady of the rev. W. T. Blekinsop, of a daughter.

On Friday the 26th February, at Bishopstoke, Kotagherry, the lady of the right reverend the lord Bishop of madras, of a daughter.

At St. Thome, on the 1st March, the lady of J. F. MacKenzie, esq., of a son.

At Bangalore, on the 3d March, the lady of major Augustus Clarke, 37th regt. native infantry, of a son.

At calicut, on the 1st March, the lady of captain Hayne, 36th regiment, of a son.

At cannanore, on the 5th March, the lady of brevet captain Wilton, quarter master and interpreter 36th regt., of a son.

DEATHS.—At Nackapilly, on the 13th February, William Beveile, the infant son of captain F. Russell. 22d regt N. I., during the march of that regiment from Masulipatam to Vizianagram, aged 9 months and 6 days.

At Madras, on the 11th February. mr. John William Moraes, late of the commander in chief's office.

At carshatton park, on the 10th December, Charloite, the beloved wife of Riversdale Grengell, esq.

CALCUTTA.

ENGLISHMAN, MARCH 15.

Letters from an Indigo estate in the neighbourhood of Berhampore mention that a little rain had fallen which had benefited the October and February sowings and allowed of the sowing a few thousand beegahs. The season is said to promise better than for some years past.

The 32d Regt. N. I. left Dacca by water on the 8th instant, and were most unfortunate at the commencement, of their voyage. They encountered a dreadful storm and lost ten boats ; and to add to their miseries the cholera in its most severe form broke out in the fleet carrying off the Serjeant Major, two Native Officers, two Tavildars and sixteen Sepoys in the course of 48 hours, and 12 more men had just gone into hospital in a dying state. The 45th Regt. N. I. have lost about ten men by cholera since their arrival at Dacca, but by the latest accounts the desease was disappearing.

We owe it to Dr. Brett to state that he is not a party to the apparently invidious publication of the results of his operations for strabismus. It appears that he has long been familier with the science, but only very lately obtained the requisite instruments, which accounts for his operating simultaneously with Dr. Young.

From Ferozepore we learn that the whole of the Meerut troops, except one regiment of native infantry (the 17th) and the 7th Cavalry and a troop of Horse Artillery, are ordered to hold themselves in readiness for *service*,—but no specification of what or where. However the *leave* orders, published in Saturday's Gazette, have already shown us that both the Kurnaul and Meerut troops were to be kept ready for the field, but their immediate active employment is a point upon which the Governor General is still (unwisely, we think) hesitating.

Now that that the Court-martial on Major Smith has terminated its proceedings (we do not think it at all likely that there will be a revision) and hat it is about to come under the consideration of the Commander-in-chief, there is one point involved in it to which we would once more respectfully but earnestly solicit His Excellency's attention. It is not a point which has the slightest connexion with, or bearing on, the merits of the case (if it had we should not now moot it) but a point of law which may, according as it is determined, vitiate or be of no consequence to the trial, and which may, from this precedent, arise with future courts and occasion either doubts of the law, or a disregard of it, which it were alike inexpedient and improper not to obviate. What we allude to is the non-compliance with the distinct terms of the statute that 'no proceeding or trial shall be had, *but* between the hours appointed by the officer commanding where the court-martial is held.' We are not again going over our former arguments on this question, as our present object is but to draw attention to the point itself in order that the correct procedure may now be once for all, established for the guidance of the whole service ; but we think there can be no doubt that whether the aforesaid provision of the mutiny act be a wholesome one or not, it must be obeyed so lyng as it is not repealed, or otherwise no accused person can be lawfully *punished* by a court-martial. In the case of an acquittal, the *legality* of the proceedings may not be a matter of such consequence as in the opposite event it undoubtedly must be deemed—for then the investigation may be considered as but tantamount to that by a court of enquiry—but no lawyer will say that a *penalty* can be inflicted under any criminal law, if the provisions of that law be not strictly complied with. In this respect the Commander-in-chief at the Cape, Sir G. Napier, erred in the case which we published a few days since, in requiring a sentence of *cashiering* in virtue of a speific article of war, though the court had not specifically found the prisoner guilty of *that part* of the charge (or rather the inference from it) which contained the *words* of the article—but this by the way. In the case to which we now endeavour to secure consideration, the error—or what we have alleged to be such—of the court's assembling at an hour which was *not* between any hours appointed by the prescribed authority, was particularly rectified, after, or on, the third day's sitting ; but as the court had been originally *instituted*, by being sworn in as a court, at a time which had not been egalised by a due observance of the statute, we think considerable doubt may be entertained whether a mere return to the statutory provision, which could not rectify the first mistake, is enough to render the court, abinitio, a legally constituted tribunal. It is true, neither of the parties objected to the course pursued, but we apprehend that the acquiescence of parties cannot cure a judicial infraction of an act of Parliament, nor render proceedings thaken before an illegally constituted court, other than proceedings *coram non judice*. The present court's assembling legally on the third day, does not remedy the defect of its illegal formation on the first day; any more than if the swearing in had been forgotten on the first day, its being done on a subsequent day would have legalised the previous proceedings. Suppose the officer commanding in Fort William had appointed the period between eleven and three o'clock for the court's sitting, and suppose had nevertheless assembled at six in the morning and sat still four P. M. ?—no one will say that *that* would have been legal ; and yet it would be just as much so, as it's sitting without his appointment of the extreme hours, *when that is a condition laid on by the statute*. Suppose the general order for its assemblage had specified the *third* of the month as the *day* on which it should first meet, and suppose it had met on the *second*, would that have been legal ? Certainly not, and yet with more reason is a non attendance to the *time of the day* objected to, because there is a specific provision for that in the act of Parliament. We venture to assert, that if this had been a life and death case, and the prisoner been sentenced to be hanged or shot, the Commander-in-Chief and Government would not have dered to have executed the sentence ; and on a like principle even an adjudged reprimand cannot be inflicted,—and an acquittal cannot be based upon any legal judgment.

ENGLISHMAN, MARCH 16.

We commend the following article from this morning's *Harkaru* to the attention of the Jessore residents, who may be in any degree acquidinted with the facts of the case. Concralment now is not only criminal but absurd ; —

'On the 12th instant, the *Englishman* published a rumour that had reached him, of a lady, at Jessore, having been brought to an untimely end, by the violence of her husband. Some further rumours of the affair have reached us, and if only one half of what we have been told be true, a more brutal and systematic murder never was perpetrated. The rumours current, among the Planters of Jessore, are, we are told, that the brutal husband, in consequence of some offence given him by his wife, had for several months, been in the habit of constantantly beating her in a most barbarous manner. That she had pined under the ill usage she was subjected to, and, finally expired—either while her murderer was beating her, or shortly after she had suffered such an infliction from him. That on a *post mortem* examination, by the friends who came to administer the last rites to the unfortunate victim, her body exhibited innumerable marks of extreme violence ; and that, upon the brutal husband being remonstrated with, on the subject, by a friend, he had written to say, that he had not behaved half cruelly enough towards her !

The above is a qualified statement of the substance of the rumours said to be generally current in Jessore, and which have found their way to Calcutta ; yet the magistrate of the district, apparently, knows nothing about the matter !—not a single individual seems to be cognizant of the duty the law of the land demands of him !—the homicide) who, we understand, has hitherto moved in the society of gentlemen) has been left at liberty, to roam whither he pleases, and declare, that in beating his wife to death, he had not treated her half severely enough !—no legal inquest has been held over the body of the murdered lady, which has been quietly consigned to the tomb, where, long ere this, decomposition obliterated all the traces of the ill usage she has suffered, which might have been adduced as evidence against her murderer. We know not what portion of truth there is in the statement that has been made to us ; but of this we are sure—that, whether true or false, the parties who have given origin to the rumours in circulation, have been guilty of a gross libel ; and if the tale be true, they have not only perpetuated a libel, but likewise rendered themselves *particeps criminis* accessories after the fact, to a barbarous murder ; and if brought before a legal tribunal, they will not only be afforded a practical illustration of the adage—'the greater the truth, the greater the libel ; but be tried for their lives, in aiding and abeting murder, by not acquainting proper authorities with the circumstance, when it came to their knowledge. It behoves the magistrate of Jessore, to make immediate and diligent enquiry, on this subject, and in the hopes that the affair will be throughly sifted, and consign punishment visited on the guilty party, we shall, for the present, refrain from any further notice of the subject.

We omited to mention, in giving our Scinde news yesterday, that we were not in possession of the actual date of the unfortunate occurrence, but taking the date of one of our letters as a guide, we should say that it must have taken place on the 18th or 19th ultimo,—but the *Harkaru* will probably ascertain that particular, a week hence, via Bombay, and then embody it in a fresh account as news. He finds from his last Bombay papers that General Brookes was ordered to push on to Herat, but the General seems to have found different employment for the present, and we suspect that if the army move up the Pass towards Shawl, the step will be a signal to various predatory tribes of Beloochees, especially the Brahoccas, to commence their plundering campaign for the hot season. Our own letters from Scinde inform us that the final terms offered to the Horat ruler are that he shall pay a tribute to us of three lacs per annum. and admit a permanent Garrison of our troops, and that six or eight thousand Bombay troops are to move immediately up the Bolan Pass ; but we are not disposed to place full credit in this account, for it does not tally with our information from other sources, and besides that it would be an ill judged measure, we very much doubt the truth of the report, which we know the Scinde politicals received (indeed we were the first to give it *as received by them*) of the march of a Persian army on Herat, at the invitation of Yar Mahomed, though we feel no doubt at all that the notion of our obtaining tribute from Herat is altogether farcical. The accounts of the Persian movement reached Scinde from a quarter that *might* have seemed to the officials there to be very excellent authority, but the enterprise is not one which we can bring ourselves to suppose that the Persian would be fool enough to undertake, and we rather surmise that Government does not place reliance on the rumour. With respect to the reported move of a Bombay force upwards, however we believe we are quite right in saying that it is intended to occupy all our positions eastward of Candahar,—Quetta and Khelat inclusive,—with Bombay troops *ultimately* ; but when our Scinde friends tell us they are all on the qui vive, expecting orders to march upon *Herat*, in consequence of the late report from that quarter, we must endeavour to allay their excitement by telling them that, whatever their local Politicals may wish, the Governor General can have no desire to send troops thither, in a state of affairs which would not politically justify any such advance. Perhaps we cannot find much fault with —at least there may be extenuation for—the Scinde policians placing such ready belief as they appear to be doing in the information transmitted to them by our Agent at Herat, but we apprehend that the soberer and more reflecting Calcutta Cabinet will not prove equally credulous with respect to his accounts of Persian armies moving in that direction ; and we may take leave to say that in transmitting such alarming accounts, with the stamp of his own belief upon them, he is evincing a want of judgement, discernment and discretion, which does not enhance the value of a diplomatic character.

PUNJAUB.

NORTH WEST PROVINCES.

AGRA UKHBAR, MARCH 6.

We learn that Government have decided on the assemblage of a Force of 25,000 men to be employed in the Punjab, and that orders to that effect will shortly appear. The Light Battalion at present at Cawnpoor, are under orders for Ferozepoor. Four Corps of Native Cavalry will form part of the Force, when they will have we hope, an ample opportunity of receiving their character.* This arm of the Force will be commanded by the gallant Sir J. Thackwell, but we have not heard who will command in Chief.

The opinion is by no means confined to a few, that we shall not interfere with the Punjab, and that matters will, to use a very expensive term be "patched" up. But we confess, we cannot see how this can be. There is no party with whom we can "patch" up a treaty, no party that can of themselves guarantee to us the tranquility of the Punjab, or a friendly alliance with us. That country is now much in the condition, that the South American Republics were, when the European States refused to recognise their independence. They were in the act of transition from thorough disorganization to a settled form of Government. But the Punjab is in the former, and will not of itself for years settle down into any settled form of Government. This, however, we cannot admit for our own safety, and we must take the settlement of that Kingdom into our own hands. We think, we may, therefore, hold out every prospect of some employment to our Military friends.

On this subject it will not be, perhaps, interesting to our readers to see the opinions of the Hon'ble Mr. Osborne, who, we may fairly presume to be acquainted with those of the Governor General. Or can it be that he takes a common sense view of the subject? The former is the more likely (we mean no sneer against the gallant writer,) and if so, they shadow out what our policy will be. In reading the Extract, our readers will keep in mind, that the contingencies upon which Captain Osborne assumes our interference with the Punjab to be unavoidable, *have every one of them occurred*, almost in the order that the writer supposed or indeed, were he of the prophets, we might say predicted!

"It is a melancholy thing to contemplate the future probable state of this beautiful country. On the death of Runjeet Singh, which in the common course of nature must take place in a few years, his throne will become an object of contention between two rival candidates of equal power and pretensions,—Sheer Singh, his natural son, a good and proved warrior, supported by all the influence, wealth, and talents of Runjeet Singh's present minister, Deean Singh; and Khurruck Singh; his rightful son and heir, with little talent or courage, but supported by all the Seikh Chiefs whom gratitude for past favours to Runjeet, and jealousy and hatred of his minister, would bind to the cause of his legitimate son and successor. The whole country between the Sutlege and the Indus must become the scene of a protracted and bloody war, only to be terminated by the interference of a third and strong power, with an army and resources sufficiently strong to bid defiance to all hope of resistance, and that that army must be the British army, and that power that British Government, there can be little doubt. During the lifetime of Runjeet, who, whatever may have been his real feelings towards us, has preserved all the appearances of friendship, the invasion and conquest of the Punjaub, would be indefensible; but at his death the case will be altered. Self-preservation requires that the Government of the Punjaub should be either our own or friendly to us. Friendship from a country torn to pieces by civil warfare and the rival claims of two pretenders to a throne united but in one feeling, that of hatred to the British, it would be but folly to expect. We have, therefore, both looking to our own situation as regards the present policy of Russia, and to the future welfare of the country itself, but one course to pursue on Runjeet Singh's death—the instant occupation of the Punjaub by an overwhelming force, and the establishment of our North-western frontier on the Indus. The East India Company have swallowed too many camels to strain at this gnat; and to judge from the appearance of the country, they will derive more nourishment from the smaller insect than they have done from many of the larger quadruped they have swallowed of late years; at all events, their throats will be well oiled by the rapidly-increasing revenues consequent upon the introduction of a mild and equable form of Government in a country where at present the only recognised law appears to be—

"That they should take who have the power,
And they should keep who can."†

REGARDING THE PUNJAUB, THOUGH BUT little transpires publicly, there can be no doubt that matters are being privately matured for operations in the Punjaub, and that orders for a movement will shortly take place unless something very important intervenes. The departure of Major General Lumley from Calcutta to assume a *special command* at Kurnaul shews that matters have been most gravely considered in Calcutta and that, however disinclined, his Lordship will be *forced* to an interference he has avoided for so long a time. Our Politicals do manage to keep matters very closely, and precautions have been taken to occupy the line of the Sutlej with as strong a force as can be mustered, and the fact of 30,000 men, a lawless portion of the Lahore Army, being in open revolt against any government whatever, must render our assistance to Shere Sing imperative; he and his ministers, we hear, disinclined as they may be to court our aid, cannot help seeing the necessity of it and will no doubt be very glad of the help of so strong an Ally as the Government of India to bring the Punjaub into subjection. We however look upon General Lumley's departure from Calcutta as the effect of news received from Loodianah about the 20th ultimo when there was every fear of open rupture, and whether matters have again settled down into a deceitful tranquility or not we do hope the preparations making to settle the government of the Punjaub may be carried into effect at once. Mr. Clark deserves the highest praise for the arrangements hitherto made, but plastering up will not do, it is pucka masonry that is required, for, from the temperament of its people we argue that an open rupture must eventually ensue and as it is inevitable, the sooner the better, especially at the present time when, if all to days news is true, we are threatened from more than one quarter. This is no time now for making commercial arrangements and treaties, the time has approached in which our future participations in the counsels of the Lahore court must be settled, no doubt in as amicable away as possible, but participation we shall have ere long. A strong blow struck at once, the proof of which party is uppermost and who is to be the ruler of Punjaub, supposing it does not come under our control, depend entirely upon the Indian Government and however inconvenient it may be these questions must and will be decided without delay. The news from Herat which is now no longer to be doubted, and the still unsettled state of Scinde, Candahar and Cabul make the immediate settlement of Punjaub affairs more than necessary. Strong measures must be the word now, for we are oblized to confess that brilliant as our success has been, generally speaking, our warfare has not been productive of any good to India, and we do not see how our acquisitions or those of our royal protege are to be any thing else but a drain, a constant drain upon our treasuries and of fresh taxes upon the labour of the natives of Hindostan, only one good do we think likely to accrue from our late policy and that is an increase to our army, now, more than ever imperativel demanded. We know not how to reconcile the presence of Generals Ventura and Allard, in such a juncture, at Ferozepore, have they found Lahore too hot to hold them or is their presence not *required* at the court? A report has been spread about, that the Ranee, Shere Sing's rival, had been murdered, but we believe it originated in the assassination of Lala Tikchund the Moktear and reputed lover of the Ranee Chand Kowr who rushing, like another Mary, to the rescue of her Rizzio was merely wounded.—*Delhi Gazette March* 10.

We now learn that General Lumley will not, in the event of war in the Punjab, take the Field in person, for the present at least. This distinction is likely to be conferred on General Boyd.

We believe it is only to give an echo to the general feeling to affirm, that General Boyd is regarded by "the service" as highly qualified to fill this arduous and responsible post, and it can no longer be regarded by any thinking man as a mere trick of policy on the part of British India, to interfere in the management of that, by its more immediate chiefs, most unmanageable empire to which we refer. As for Shere Singh, he, who was once vaunted as the "rose of that fair state," the favourite of the people, the adored of the soldiery, he has abundantly proved his own utter incapacity for government; and he has been so long and so often in disgrace that he may be expected to return once more to the tranquil obscurity from whence he has so lately emerged with something of the sangfroid of old Abbe Lenglet du Frensoy; who had occupied his old apartment in the Bastile so often, that at the sight of the officer who was in the habit of conducting him thither, he would call for his night cap and his snuff and proceed with the work he had in hand like a man "quite at home." After all there is, within the whole of the Punjaub, no claimant of the throne at once better qualified and better entitled than Shere Singh, to assume the helm of that empire (now almost a wreck,—and literally going to pieces) in the troublous times on which it has unquestionably fallen. There is in fact, no adequate controulling power within that kingdom, and Chund Koowur would be scarcely more successful (so far as we can learn) in any attempt of hers to conduct the vessel of the state in safety through the storms by which it is encompassed, than was—the bear of the fable, to steer his boat to shore. The question now before the public, (we mean the public at home,) as to the relative title of England to retain Acre and Cyprus, and of France to still hold Algiers, is a problem of the easiest possible solution; and yet, even this must be accounted a knotty point, in comparison to that which concerns the right of British India to interfere for the rectification of those crying evils which have so long beset the Punjab. And fortunately—for no doubt, there will ever be those at home who would carp and cavil, let whatever might be done in regard to foreign intervention, however necessary by any Governor General—fortunately, a very cogent reason for our interference at the present moment, has just now been supplied, by the irruption of a large body of Sikh horse into the districts of the Punjab immediately bordered by the Sutlej; and not only this, but, we are credibly informed by friends at Loodhiana—further grounds for cautious and timely interference on our part have been afforded by the sudden appearance some ten days since on our side the Sutlej, (though in states dependent on the Punjab government,) of a considerable body of Infantry as well as Horse. Of these the alleged object was the exaction of arrears of rent—though even the fact of their acting under Shere Singh's authority, was not evident; but, even if they were acting under his instructions, the right of that Ruler to throw a large body of troops into that portion of his territories, at any moment and under any pretext, must be at best questionable in our eyes, and must needs be counterbalanced by those prudential considerations, which even on the score of self-defence, must be held to justify our prevention of the evil that might accrue at some unexpected moment from one of these sudden visitations. In a word, we have reason to believe, that the appropriation of the Punjab which we so long since predicted, is at hand. We pretend however to no possession of peculiar power of divination, as the means which suggested the prediction to which we have referred. The great event in question is one of those which bear out Lord Bacon's observation, that "every state tempest, has its prognostics which the shepherds of the people understand;" and in truth, the moral and political predictor, proceeding on principles authorized by nature and experience, may become more skilful in his observations on the phenomena of human history than ever were the Aruspex, the Astrologer, or the Augur.—*Agra Ukhbar, March* 13.

* Much stress, and necessity so has been laid upon the part of the Troopers on many occasions, having used their Pistols instead of their Sabres, but we feel it due to them to state what we have need on authority that we cannot question, viz, that the example was shewn by their European Officers. This ought to be kept in view in any measure under consideration regarding our Cavalry. We beg distinctly to say, that we do not allude to the 2nd Cavalry, none of the Officers of which in the Purwan Durrah affair did use their Pistols, that we have ever heard of.

† Upon the death of Runjeet, Khurruck Singh was immediately acknowledged by the British Government, and he is (for the present at least) seated upon the throne of his father. But there can be little doubt that he owes his peaceable accession to the predominating influence of British authority, and to the course of events which occasioned the presence of a British army on the North of the Sutlege at the moment of Runject's death. This alone prevented those civil commotions and rival contests which would otherwise have infallibly taken place.

CABUL.

WE HAVE BUT LITTLE FROM CABUL BUT that little is of the same complexion as the rest of our news, and affords another proof of the work, our first step and our boasted victories and acquisitions are to cause us when a few hundred rupees of *rint* are denied to the beloved Monarch of Affghanistan; some tribes in the vicinity of the Khyber pass have declined the honor of rendering the Dooranee Cassar his dues, except upon condition of being allowed to repay themselves by their practices of robbing travellers and plundering their neighbours, and having proved themselves more than usually unreasonable, Mr. Mackeson has called for a force to bring them to a proper state of rationality, so Brigadier Shelton took the field and left Jellalabad on the 21st ultimo with H. M. 44th Regiment; the 27th N. I. four of Captain Nicholl's H. A. Guns, the Shah's mountain train, two Ressalahs Shah's 2nd Cavalry and four Regiments Jan Baz for Singoo Khail near the entrance of the Khyber pass where the refractory tribes are to be found; on reaching Pesh Bolak the detachment will be joined by Captain Ferris' Regiments of Juzzalchees and Lieut. Dowson's Regiment of Jan Baz. This is a strong force and the making it so, we think, shews more sense thas has sometimes been evinced, for we hear that there are 15 forts to be taken, and the detachment will, no doubt be successful, all we hope is, that the Commanding officer will remember that the service in Affghanistan is a delicate one and that native prejudices are to be somewhat consulted, and that as much is to be done by a proper system of conciliation as by brow beating, to use the mildest term. Another Officer of high Local Rank, too, whose subsequent conduct has belied the title we once gave him of the "Soldiers friend" is sadly harrassing the troops under his command we hear, the 35th and 37th, who whilst they can rest should have every degree of consideration shewn to them, they, it should be remembered, have been knocked about pretty well for the last 6 months and have had but little time for parades and drills and some allowance should be made for troops so situated even if, after *two whole days* practice, they should be found to be a little unsteady; we cannot go into particulars but we are informed that the scene on parade when the native corps were inspected was rich in the extreme and was wound up by an order intending to convey disapprobation couched in disheartening terms to the very officers and men who had done their best in Kohistan to encircle the head of their reviewer with the laurels which *he* may think he gained but which *others* believe were more the effect of chance, good luck or fortunate blundering, than any thing else. General Elphinstone's arrival is most anxiously looked for.—*Delhi Gazette, March* 10.

OUR LATEST LETTERS FROM CANDAHAR mention that the Ghilzees are again giving trouble and will have to be thrashed, once more; and we fear our predictions of an unceasing petty warfare are to be fulfilled. A Gun Lascar and a Golundauze had deserted from the force and were caught near Herat; on their way they visited the camp of the discomfited Ucktar Khan but instead of getting service as they expected, the chief plundered, stripped and turned them out! The fellows, ere they made a start, *borrowed* about 400 rupees from different persons and in small sums, plenty of pistols and clothes, and on the day of departure, not being partial to a pedestrian tour, they also borrowde a couple of stout yaboos, saying they had permission to visit a fair in the neighbourhood. It is wonderful that Ucktar Khan did not evince his admiration of all these talents, and good qualities; one would have supposed that he would have been glad of such an addition to his force, however he has shewn his sense in rejecting them and now that they are in our power again, it is to be trusted that such determined treachery may meet the severest punishment that can be inflicted; solely, as our correspondent says, *pour encourager les autres.*

The 43d and the Company of European Artillery were very sickly and were still adding to the numerous deaths which have occurred chiefly from inflammation of the lungs.

A letter received since the above was written dated 14th ultimo announces the arrival of the 38th N. I. at Candahar all well. The Kojack was covered with snow when the troops came through the pass, this has been a most remarkably fine season as at other times, the snow lies three feet deep.

Mrs Jacob who accompanied her husband, the Surgeon, with her three children one of whom was born on the Kojack pass is the first European lady who has ever visited Candahar. No mention whatever is made of the advance upon Herat, or Major Todd's departure.—*Ibid.*

By a letter from Cabul we are sorry to learn the death of Captain Douglas, Assistant Adjutant General, who had been killed, but our Correspondent omits to state under what circumstaces.

The Bombay Troops have sustained another repulse near Dadur with rather heavy loss, but without otherwise, serious consequences. In its outline, the affair resembles many of those of recent occurrence. A small fort is to be taken, an insufficient detachment are sent against it, who knock their heads against the walls of the place, till several of the party are killed, and it is found that the walls are not to be surmounted by a coup de main. The party then retreat, and the course that should have been adopted in the first instance, is had recourse to: A stronger detachment than the first is sent against the fort, which is found to be evacuated.

The repeated instances of similar failures do not appear to treach us experience, and will still go on sacrificing valuable lives and destroying our prestige for success. We still seem to think that our position before the smallest fort is as critical as at Ghuznee, and its capture as necessary. Nothing, however, can be more erroneous; our force in Scindh is superior to any that can be brought against it, we hold possession of the country, and it is of little moment, whether a few days more or less, be expended in ferreting out a nest of thieves—a period of time quite sufficient for the purpose if our Artillery is properly supplied with matterial. A few shell thrown nto the fort of Sebee, must have dislodged the garrison, if we can so call the inmates, and have saved a uumber of valuable lives. The eclat of taking Forts, in the style the Irishman did, has no doubt its attractions for General Brookes or Mr. Bell, but it should not be sought at the risk of such losses as those sustained here, and less recenty, in the Kohistan of Cabool. The question is one to which we venture to think, the attention of the C.-in C. would be with great advantage directed.

We borrow from the *Delhi Gazette* the details of this affair of Sebee.—*Agra Ukhbar, Marca* 13.

HERAT.

THE PERSIANS ARE ADVANCING ON Herat, and Yar Mahomed is conniving at it, say our letters from Candahar and other parts to the North West, while Major Todd has fled towards Candahar; one Correspondent assures us that an Express passed through Quettah, with dispatches to this effect on the 17th ultimo, and that Major Todd and Staff were following the Express, though it was feared that they would experience much difficulty and danger in getting clear of the place; our letters direct from Candahar to the 14th instant, did not mention the circumstance, but one dated the 16th speaks of the business as quite certain, our friends reasoning is good, we think, though almost too enthusiastic and we must await further intelligence, before we bring ourselves to believe so strange an event much as we have prophesied and expected it.

"All is bustle, and alarm at the present juncture consequent on the important fact of the *Persians* being in actual possession of *Herat*. It seems that Yar Mahomed Khan has entered into a treaty with Mahomed Khan the King of Persia, to coalesce with Kamran, and the "Ex-Chiefs" of Affghanistan to dethrone Shah Shooja from the Throne of Cabul, and to expel, the *British* from Affghanistan. "Our Political Agent at the Court of Herat, Captain Todd, has been compelled to fly from the pending danger in the direction of Candahar with a small escort of 50 *Suwars* expecting every moment to be intercepted and cut off." Such is the state of our political posit on at Herat and melancholy is it to find that, we are so ill prepared to meet these sudden storms with a totally inflicent Force at the most vulnerable spot Candahar! Captain Saunders is now on his way from Cabul to *Ghuznee* & Candahar, to report, upon the practicability of putting these garrisons into a proper state of defence—pity it is, that these important objects had not been contemplated months ago; instead of unprofitably, and prodigally expending some thirty or 40,000 £ in putting Herat into a perfect state of repair (*destitute* of garrison of British Troops) and to what purpose? why for the occupation of a Persian and Russian Garrison! Such is now the case Mr. Editor! Let us see what the Government will do; *Genl. Brookes* and *Mr. Bell* have literally done nothing! By the bye we have just received an express to the effect that a Division of the Bombay Army has been defeated by the Khajucks, with great loss; three Officers wounded, and the commandant Col. Wilson dangerously. This took place at a very insignificant Town Sebee, about 60 or 70 miles from Dhader. You will, ere this reaches you, have received full particulars.

Now Mr. Editor do ask the Editor of the Englishman, whether he is still of the same opinion as regards the article which emanated from my pen, and which you published your most excellent Paper of the 10th June 1840—and whether his strictures (which were pronounced in that very valuable and well conducted Paper, I forget date, but I think about the 19th or 20th of June 1840) were not premature!!! Do publish it again for the edification of Government! It remains now to be seen, what will be done in the present really important political position of central Asia! If Genl. Brookes with the principal part of his Divisions is ordered on to Candahar and probably the Helmund River—or river what is to be done with *the yet unsettled* condition of Scinde, and Bheloochistan; with our communications cut off? !! These are considerations of immense impotance. It is well known that the whole of the inhabitants of this part of Affghanistan (especially the *Ghilzees*) will rise *en masse* and join the Persians in an attempt to rid Affghanistan from its present very unpopular Rulers! These are strong expressions, but too true I regret to say. Already considerable excitement exists in the minds of the *Candaharees*! One word more——where are our magazines, carriage, commissariat, &c. &c.?!

Since the above was in type we have received letters from Candahar dated the 18th ultimo, which confirm the reports we scarcely dared to credit, they state that on the 16th February a rumour prevailed in the Bazar that Herat had been given up to the Persians by the rascal Yar Mahomed, and Todd and his companions had escaped and got a three days start ahead of their pursuers, but were retaken, this report was treated as most reports usually are; nevertheless an express came in on the 17th announcing the fact of the SURRENDER OF HERAT, but we are glad to say also of the escape of Major Todd and staff.

Our letters also inform us that a Kuzzur Khaun has collected a large force near Candahar, and the Shah's 5th Infantry with two guns and Capt. Leeson's Horse are in orders to hold themselves in readiness to go out to attack it. The Horses seem in capital order and it is supposed will give the rebels, as they are termed, a good drubbing. No rain had fallen for a long time and a procession had left the city to offer up prayers for the descent of some and have taken out Mahomed's shirt, a relique which it would appear lies with them, to aid their supplications; however if they are successful it will be a great blessing as the country is quite dried up.

News from Bokhara give a lamentable account of poor Colonel Stoddart whose sufferings have at last driven him mad. We have not a moment to expatiate upon the news contained in to day's issue, altogether it is not of the brightest nature, and we conceive about as unacceptable to our rulers as any that could be offered. Energy *must* now be brought into play and we cannot suppose that there will be any further delay in our contemplated operations, there is a school book motto and a tale attached to it, which we do not think his Lordship has sufficiently studied, "Never begin any thing of which thou hast not well considered the end." It is an ill wind that does not bring any one good, Sancho Panza would say, and if others dont thive newspapers will; we are bound to thank our very kind correspondents, who from every quarter have shewn such *empressement* towards us and we sincerely do so.—*Delhi Gazette, March* 10.

We did expect, after last week's excitement, to have made a greater shew of news than it is our fortune to present to our readers in this issue, but the impulse has been given and the result will follow sooner or later; we have news from Candahar to the 20th ultimo, and it is not more encourging than what we have already given; whether Herat be or not in the possession of the Persians there is very little doubt of its being destined to own, for a time at least, their sovereignty, and we fear from all we hear, though, until lately, but little suspicion has been roused, that intrigue has spread further than either Military Resident or Political had any notion of. The defeated Ucktar Khan is again in the field not very far from Gerisk where the 21 N. I. are, and it is suspected that he looks upon the celebration of the Mohorrum as a fitting opportunity for arousing the religious prejudices even of the Shah's own soldiery against us, and it is much to be feared that the Dooranees *will* join him Yar Mahomed is convicted of assising and of sending him presents, while Kondil Khan is making his way through Seistan to join Ucktar Khan and it is probable that a spring campaign and a tedious warfare will ensue, in fact they may be said to have begun, as on the 20th ultimo, the Shah's 1st Cavalry and the 5th Regiment Native Infantry, started towards Geriskh to commence operations against Ucktar Khan. The 38th is badly off for officers several being detained at Bhag on a Court Martial which is being held upon Lieut. Johnston of H M's. 40th. The crops around Canahar it is feared will fail this year as the exposition of Mahomed's shirt has not produced the desired effect!

To the time of going to press we have received no further account of the Sebee affair; and we cannot find out whether Nusseer Khan has come in or not, we believe not one letter mentions a fear lest there be some foul play meditated against Colonel Stacy for there are villains enough in the young prince's camp for any act of atrocity. Our latest letters from Cabul are to the 24th February and from Jellalabad to the 1st instant, but they make no mention of the report which has reached Delhi of the capture of the forts in the Khyber Pass or of the death of Capt. Doughles and who was shot by the side of Genl. Shelton or that of Lieut. Pigon, Engineers, who is said to have lost his life by the explosion of the powder bag while attempting to blow in the gate of one of the forts. There is something also rumoured of a refusal of part of the force to charge up a pass, the heights of which were crowned by the Khyburries who were hurling masses of rock upon them; these reports are said to be authentic, but none of our correspondents from the scene of action have supplied them, and though we have reason to believe that two officers have been killed in the engagement, we shall treat the rumoured behaviour of the men as report only.—*Delhi Gazette March* 17.

The approach of the Persians upon Heerat as mentioned in our last, appear to want foundation, and we, following our Delhi contemporary, have been rather premature in announcing their arrival. No trust-worthy intimation of such an event has, we hear, been received either in official circles or private, while it is known that Major Todd's departure is unconnected with any movement on the part of the Persians. The despatch announcing the immediate cause of his departure has been either lost or intercepted betweeu Heerat and Candahar. One letter was received from him by an Officer at Girishk, Lieut. Elliot in which he asked for supplies, stating that he and his party were hastening on to that place. It is, we learn generally understood that the Major had left Heerat, in consequence of some intrigues in the city itself, which rendered his presence there very unsafe. It will be followed, it is said, by an immediate movement on Heerat by the British and the necessary steps to establish our influence in that city. There are and have been for some time reports in circulation of an intention on the part of the Persians to make a second effort against Heerat, but if they do entertain such a design they have not yet begun to act upon it. From the Punjaub there is nothing of any particular importance; affairs in that pleasant kingdom being "neither better nor worse." The army still continued in a state of mutiny; and a portion of it ordered to proceed to Mundee and Peshawur, refused to move. The attempt by Deean Singh to dispense with their services, alluded to in our last, does not appear to succeed. The number of hill recruits enlisted by him, has already begun to excite the jealousy of Shere Singh, who has some intention of putting a stop of it. Looking therefore on it, and the general aspect of the Punjaub, we confess we see no symptom of peace or a settled Government, but through the interference of the British. In the mean time, General Ventura has gone to Bombay from Ferozepoor, and his less fortunate brother Officers, Generals Court and Avitabile are importuning the Lahore Durbar to permit them to depart likewise, but to no purpose. They are "Detenus" in every sense of the word, and will of course, take the first opportunity of gaining their liberty by flying to the British Provinces.

There has been an affair between Colonel Shelton's Brigade and a tribe of free booters called the Singhee Khail, in which the former were completely successful, taking one of the strong holds of the latter and dispersing them. Report had given a different account of this and stated, that the Colonel had been repulsed with the loss of two Officers and several men. Two Officers were unfortunately killed, but under circumstances almost soley accidental. One, Captain Douglas, was killed by a stray shot during a parley, and the other, Lieutenant Pigon, of the Engineers, was blown to pieces by the accidental and unfortunate explosion of some powder which he was fixing to a gate, for the purpose of forcing it open. Such a brief sketch of the present position of affairs at Heerat and the Punjaub, bnt we hope to be able to fill it by our next, with more particulars.—*Agra Ukhbar, March* 18.

Government Notifications.

POLITICAL DEPARTMENT.

Bombay Castle, 8th March 1841.

In publishing for general information the following Extract of a letter to the address of Lieutenant Warburton, Deputy Assistant Adjutant General of the Southern Division of the Army, from Major Vivian, Commanding a Detachment lately sent to regain possession of the Fort of Nepanee, from a body of Insurgent Arabs, the Hon'ble the Governor in Council begs to offer his best thanks to Major Vivian, and the Officers and Men under his command, for their zealous and gallant conduct on this occasion, which terminated in the unconditional surrender of the Garrision.

By order of the Hon'ble the Governor in Council.
J. P. WILLOUGHBY, *Secy. to Govt.*

To
Lieutenant P. E. WARBURTON,
Depy. Assist. Adjt. Genl. Southern Division of the Bombay Army.

Sir,

I yesterday did myself the honor to apprize you, for the information of the Major General Commanding the Division, that the Insurgents in the Fort of Nepanee had surrendered themseives unconditionally. I beg now to forward for submission to the Major General, a report of our operations against the Fort.

2. On the morning of the 19th instant, the Detachment under my command, arrived before the Fort of Nepanee, and took up its encamping ground at about 1000 yards from the Fort, to the Westward, having the ruins of the unfinished Fort between the Camp and the Fort.

3. On the same evening a reconnoitre was made round the Fort when I discovered that the Pettah, which is to the Eastward, ran close up to the only Gateway of the Fort, outside of which, the Enemy had taken up a position, in a Battery of 3 Guns, on the crest of the Glacis.

4. As my object was to obtain the entire capture of the Garrison, I resolved on making an attack on the Enemy on the Pettah side, to draw the Insurgents in, and to keep possession of the building of the Pettah, which commanded the entrance to the Fort. For this purpose, a Party as per margin, under my command, marched from the Camp on the morning of the 20th, reached the Enemy's position by day-break, when it was immediately carried, as reported in my Letter of the 20th instant; the Enemy as contemplated, taking refuge within the Fort, the Houses if the immediate vicinity of the Gate and a small Choky to the left on the entrance to the Fort that had been in possession of a Party of Arabs, were occupied by the Detachment, the Gun placed in position, and a fire kept up during the day, which destroyed the Parapets, and silenced the Enemy's fire, which had early in the day been kept up briskly on our position.—I left this Detachment under the command of Captain Faunce, of H. M's. "4th, King's Own," and nothing could have been more satisfactory, than the manner in which that Officer, and all under him, held their position.

1 Nine pounder.
Capt. Burgoyne.
Light Company.
H. M's. 4th "King's Own.
Captain Faunce.
26th Rt. Co. Rifles.
Captain Bayly.
18th Cegt. N. I.
Light Company.
Lieut. Stevens.
Staff Officer.
Captain Hall.

5. Having returned to Camp, I found it advisable to remove the projected position of the Mortar Battery, to a natural good position to the North East of the Fort, distaut about 700 yards, and having succeeded in closing the entrance to the Fort, I shifted my Camp, a few hundred yards to the rear of its former position, to afford more complete shelter to the Followers.

6. The Mortar Battery commenced playing at 9 A. M. upon the Fort, and continued doign so till the evening, when it was discontinued in, consequence of the Insurgents expressing a wish to Capitulate, but the terms not being granted the Battery re-opened on the ensuing day, and the fire was kept up till past 11 o'clock A. M. when the Enemy surrendered unconditionally.

7. The whole of the Artillery practice has been most efficient, and I am greatly indebted to that Arm, and to Captain Hall and Burgoyne for the cheerful and zealous manner in which all their duties have been conducted.

8. The Ordnance captured amounts to 56 pieces, and the total casualties on our side are four killed and seventeen wounded, I have been unable to ascertain the number of killed and wounded of the Enemy, but I believe about 30 have been wounded and twenty killed.—The number of Prisoners amounts to about 350.

I have &c.
(Signed) R. J. H. VIVIAN,
Commanding Field Detachment.

Camp before Nopanee, 22nd February 1841.

RETURN OF THE KILLED AND WOUNDED.

Corps.	Killed.	Wounded.	Remarks.
Officers.....	..	*1	Slightly,
Foot Artillery	..	1	Dangerously.
Her Majesty's 4th Regt.....	1	5	1 Dangerously. 2 Severely and 2 Slightly.
18th Regt. N. I..	1	1	Severely.
26th do. do. ...	1	3	Slightly.
Camp Followers..	1	6	
Total...	4	17	

* Lieut. Stevens, 18th Regiment Native Infantry.

By order of the Hon'ble the Governor in Council.
J. P. WILLOUGHBY, Secy. to Govt.
Bombay Castle, 8th March 1841.

Fort William, Secret Department, the 24th February 1841.

The Right Honorable the Governor General of India having received an official communication of the destruction, on the 7th of January, of Chuenpee and Ty-cock-tow, in an attack made upon those Fortifications by the Sea and Land Forces under the personal Command of His Excellency Commodore Sir J. J. G. Bremer, C. B. and K. C. H. Naval Commander in Chief on the Coast of China, is pleased to order the publication of the following official account of the action.

By order of the Right Honorable the Governor General of India.

T. H. MADDOCK,
Secretary to the Government of India.

At 8 o'clock this morning the Royal Marines of the Squadron, the Detachments of the 26th and 49th Regiments, and the 37th Madras Native Infantry, and Bengal Volunteers, were landed, accompanied by the Detachment of Royal Artillery with one 24-pr. Howitzer and two 6-pr. Field Guns, together with a division of Seamen belonging to the "Wellesley," "Blenheim," and "Melville," in all about 1400 men, the Land Forces under the command of Major Pratt of the 26th Cameronians, copy of whose report will explain the details of Military operations which were admirably executed.

The "Queen" and "Nemesis" Steamers were placed in position for throwing shells into the upper Fort by Commander Belcher of the "Sulphur, and soon made an impression: a division of Ships,' consisting of "Calliope," "Hyacinth" and "Larne" under Captain Herbert, attacked the lower Fort on the sea face, and in less than an hour silenced the guns, although a number of troops remained within the walls; by 10 o'clock the Troops had advanced, and carried the entrenchments with their field batteries; Major Pratt himself and two or three Marines were in possession of the upper Fort, and the British Colors hoisted;—the lower Fort was speedily surrounded, and stormed by the entrance, as well as the wall, by a party of Royal Marines, and the Union Jack displayed in the ramparts.

The management of Ty-cock-tow was entrusted to Captain Scott, of H. M. S. "Samarang," accompanied by the "Druid," "Modeste" and "Columbine," and in one hour it was silenced, but the Chinese remained in it until it was stormed by the boats, in which operation Lieutenant Bowers, Senior, of the "Samarang," was severely wounded, the guns in all the Forts have been destroyd, the Magazines blown up, and the barracks and houses burnt; eleven large War Junks were anchored in the shoal water to the Eastward of the position, the "Nemesis," under Cammander Belcher, accompanied by Lieut. Killet of the "Starling," attacked them in admirable style, assisted by the boats of the "Calliope under Lieutenant Watson, Senior, of that ship, they were all set on fire and blown up; one with all her crew on board, a rocket having gone into her Magazine; this ended the operations of the day.

His Excellency the Naval Commander in Chief expresses his high admiration of the gallantry and zeal which animated every Officer and man in the force, returns his thanks to Captains Sir Le Fleming Stanhouse, of the "Blenheim," and the Hon'ble R. Dundas, of the "Melville," and Captain Maitland, of the "Wellesley." Captains Herbert and Scott carried their Divisions into action with their accustomed gallantry, and they were ably seconded by Captains Smith and Blake, and Commanders Warren, Eyres and Clarke, under their immediate orders. The Commanders Pritchard, Paget, and Fletcher of the "Blenheim," "Melville," and "Wellesley," the Commanders of the Steam Vessels, and every Officer and man employed deserves the highest praise for their zealous exertions on every point. Major Pratt, of the 26th, conducted the operations on shore in the most able and gallant manner; he speaks in the highest terms of the conduct of every Officer and man employed.

This service has been performed with trifling loss on the part of H. M.'s Forces, although it is but justice to the Chinese to say, that they defended themselves, especially in the batteries, with the greatest credit and devotion; they have suffered severely, their loss, including that on board the War Junks, cannot be estimated at less than from five to six hundred, out of a force calculated at 2,000 men; the slaughter in the lower Fort, when carried by storm, was considerable.

H. M. S. Wellesley, Chuenpee, 18th January, 1841.

To His Excellency
Sir J. J. Gordon Bremer, C. B., K. C. H.,
Commodore of the 1st Class,
Commander-in-Chief, &c. &c. &c.

Sir,—I have the honor to report to you that the troops under my Command, consisting of a Detachment of Royal Artillery, having one 24 pounder Howitzer and two 6-pounder Field Guns, aided by a party of Seamen from H. M. Ships "Wellesley" "Blenheim," and "Melville," Detachments of the 26th and 49th Regiments, a Battalion of Royal Marines, the 37th Madras Native Infantry, and a Detachment of Bengal Volunteers, in all 1400 men, landed yesterday at 9 o'clock 2 miles below Chuenpee Point, for the purpose of capturing the several Forts and Batteries on Chuenpee.

The Troops landed without opposition, and having formed them, I sent forward an advance of two Companies of Royal Marines under Captain Ellis; the guns were then moved on, supported by the Detachment of the 26th and 49th Regiments, followed in column by the Marine Battalion, the 37th Native Infantry, and the Bengal Volunteers.

After advancing a mile and half, on reaching the ridge of a Hill, we came in sight of the Upper Fort, and of a very strong entrenchment, having a deep ditch outside and a breast-work round it, which was prolonged upwards, connecting it with the Upper Fort, it was also flanked by field batteries, having deep trenches in rear of the guns for the purpose of shelter; the whole was strongly lined with Chinese soldiers, who immediately on seeing us, cheered, waved their flags in defiance, and opened a fire from their batteries; our guns were promptly placed on the crest of the ridge and commenced firing—this was duly returned by the Chinese for about twenty minutes, and indeed in this, as well as our other encounters with them, it is but justice to say they behaved with courage; during this time the advance crossed the shoulder of the Hill to the right, driving before them the Chinese who had lined it in considerable numbers, then descending into the valley, took possession of a field battery placed there; I had previously ordered two Companies of the 37th N. I. under Captains Bedingfield and Wardroper to scour round a Hill to the right of the advance where they encountered the Chinese in some force and dorve them away with much loss. Captain Duff, commanding the Corps, speaks highly of the conduct of these Companies, which he had supported by another under Lieutenant Hadfield.

Seeing that the fire from our guns was causing the Chinese to fly from the entrenchment and batteries, I moved the column down the slope, causing the two leading Companies of Marines under Captain Whitcomb to clear the wooded Hill in front, I took a subdivision of them, got into the entrenchment, and proceeded up inside the breast-work to the upper Fort, in which there was still a number of men—these were speedily dislodged by the two Marines who first reached it; the Fort was entered and the British Ensign hoisted by a Royal Marine.

The lower Fort which had 16 guns faring the sea and was surrounded by a high wall, and a small battery between, was, from this, completely exposed, but the fire of those as well as of the upper Fort had been silenced by the Ships attacking on the sea face—they were still in considerable numbers in the lower part of the Fort and had locked the gate, a fire was therefore kept up from the Hill and the advance coming round the lower side to the gate, forced it by musketry,—on entering they met me with considerable resistance, which was speedily subdued, some men then entering an embrasure on the flank the Fort was taken and our flag hoisted.

The whole of the Forts and batteries being in our possession, we proceeded to render the guns unserviceable and dismantle the Fort, setting their encampments on fire, and on re-embarking the Magazine in the lower Fort was blown up.

I am happy to say that the loss on our side has been small, and would have been less but for the explosion of an Expence Magazine in the Fort after the capture. These Chinese however suffered severely; between three and four hundred were killed and wounded, including amongst the killed "the Heptai," an officer with rank equivalent to our Brigadier General; about 100 prisoners were taken, who were released at the close of the day.

I have great pleasure in stating to your Excellency the admirable manner in which the whole Force behaved, and I beg to recommend to your notice Major Johnson, 26th Regiment, Commanding Detachment of the 26th and 49th Regiments, I must particularly mention Captain Ellis, Commanding the Marine Battalion, an old and previously distinguished Officer, who conducted the advance during the whole day with the greatest gallantry and judgment, and he speaks in the highest terms of the men forming the advance. Captain Knowles, R. A. who placed his guns admirably & dismantled the Forts after their capture; Capt. Duff, Commanding the 37th N. I., and Captain Bolton, Commanding the Detachment of Bengal Volunteers. From Lieut. Stransham, Adjutant of the Royal Marines, who acted as Brigade Major, I received most valuable assistance during the day and gladly availed myself of the services of your Military Secretary, Lieut. Stewart Mackenzie, 90th Regiment, who volunteered to act on my Staff, and took charge of a party of Skirmishers of the advance the better part of the day.

Lieut. Wilson, H. M. S. "Blenheim," commanded the Seamen, and the guns were dragged forward in good style, and the disembarkation and re-embarkation of the Troops was ably managed by Lieut. Symons, H. M. S. "Wellesley."

I enclose the list of Guns captured and destroyed, and also the return of Casualties.

I have, &c.
(Signed) J. L. PRATT,
Major, 26th Cameronians,
Commanding the Force.

List of Casualties in the Force employed at the Assault and Capture of the Forts and Batteries on Chuenpee, on the 17th January, 1841.

WOUNDED.

Officers' Names:

2nd Lieutenant White, R. Marines, slightly.
Assistant Surgeon McPherson, 8th Madras Light Cavalry, burnt by explosion.
Mr. Arthur Vyner, Mate, R. N. (H. M. S. "Blenheim") severely.
Royal Artillery, 1 Gunner and Driver, slightly.
Royal Marines, 2 Serjeants, 7 Privates, severely.
2 Privates, slightly,—18th Royal Irish.
2 Privates ditto,—37th Madras Native Infantry.
2 Havildars, 1 Naique, 10 Privates, severely.

Total 30.

3 Officers.
2 Serjeants.
11 Privates.
1 Gunner and Driver.
2 Havildars.
1 Naique.
10 Privates.

Total 30

(Signed) A. B. Stransham,
Ag. Brigade Major.

"Calliope,"	1	Seaman, severely.
"Samarang,"		Lieut. Bowers, severely.
	1	Boy 1st Class, severely.
"Hyacinth,"	2	Seamen, severely.
	3	" slightly.
Total	8	
Of the Force employed on shore,.....	30	
	38	Grand Total Wounded.

(Copy)
H. M. S. Blenheim, off the Bocca Tigris, January 8th, 1841.

Return of Ordnance mounted in the Fort and Intrenchments at Chuenpee when stormed and captured on the 7th January, 1841:

In the Upper Fort—	
Guns, Iron.....	9
Lower Fort—	
Guns, Iron,.....	19
In the Intrenchments—	
Guns, Iron,.....	15
	43
Guns, Iron, not mounted,.....	23
	66

The Guns in the Forts were nearly of the same calibre as the British 13 and 12-Prs. Those in the Intrenchments 6-Prs.

The Guns were all rendered unserviceable and the Carriages destroyed.

(Signed) J. KNOWLES, *Captain,*
Commg. Royal Artillery.

On Ty-cock-tow,.....	25

These Guns were of the same calibre as those on Chuenpee, also rendered unserviceable.

In the Junks about 82, from 12 to 4-prs.

Recapitulation.

On Chuenpee and its dependencies,.....	66
On Ty-cock-tow,.....	25
In the Junks,.....	82
Grand Total	173

To Commodore
Sir J. J. G. Bremer, C. B., K. H.,
Commander in Chief, &c. &c. &c.

Sir,—In obedience to your instruction of yesterday I proceed with the ships placed under orders off Ty-cock-tow. The Fort commenced its fire upon us at twenty minutes past ten o'clock, which I did not reply to until I took up my anchorage ten minutes after abreast of it, about two hundred yards distance, which was as near as the depth of water would permit of our approach. The "Modeste," "Druid" and "Columbine" anchored in succession, and in a few minutes so destructive and well directed was the fire of the ships, that that of the enemy's was silenced, with the exception of an occasional gun or two,—at 11-20 A. M. observing that we had effected a practicable breach in the Southern end of the Fort, It directed the boats manned and armed to proceed to storm it,—Lieutenant Bowers (first of this ship) immediately landed, supported by the boats of the "Modeste;" those of the "Druid" and "Columbine" under the command of Lieutenant Goldsmith (first of that ship) proceeded to the North end.

An attempt at resistance was made by the enemy at the Breach against Lieutenant Bowers and his party, but was instantly overcome by the gallant and determined rush onwards of our men which so appalled the Garrison that they instantly made a hasty retreat over the Hill Wall, leaving us masters of the Fort.

The guns, amounting to twenty-five longs, of different calibre, were then spiked, the trunnions knocked off, a shot wrapped round with wet canvas driven hard home in each, and they were then thrown into the sea, their carriages burnt as well as the whole of the buildings, and Magazines blown up, previous to which latter operation all the wounded of the enemy were carried away clear of the Fort, their loss, judging from the number of killed laying in every direction, must have been most severe.

My best thanks are due to Captain Smith and Commanders Eyres and Clarke, for the efficient and able support they have afforded me. It is impossible to say too much in favor of all those under my Command, their conduct merits my warmest approbation. Of Lieutenant Bowers (first of this Ship) I cannot speak too highly. In the attack of the breach he received a severe sabre wound across the knee, which I fear will deprive me for some time of his service; I beg leave to recommend him most strongly to your favorable consideration, as well as Mr. Luard, Mate, who behaved most gallantly in the breach—the zealous conduct of this promising young Officer has repeatedly drawn forth my commendations.

Our damages are very trifling, being merely some of the standing rigging cut away and a shot through our Hull, the fire of the enemy passing all over us.

Enclosed I beg leave to return a list of Wounded on board the "Samarang."

I have, &c.
(Signed) JAMES SCOTT, *Captain.*

Her Majesty's Ship Samarang, Canton River, 8th January 1841,

T. H. MADDOCK,
Secy. to the Govt. of India.

CHINA.

CAPTAIN ANSTRUTHER'S CAPTIVITY.

(*Letter from Captain Anstruther, December 31st* 1841, *Ningpo Prison.*)

My dear ——, ——I wrote an account of how I was taken, and how I have since fared, which I know you will be kind enough to have copied and sent to my brother for transmission to my mother; I make it out from a little diary which I have kept ever since my arrival here. On Wednesday the 16th September, I started about 10 o'clock, to get the valleys on the left of the great north road from Tinghae put down accurately in my survey. I went about 1000 yards N. from the N. gate, of the Town, or perhaps 1200 yards. to where there are several houses and gardens, and from whence a road branches off to the Westward. I went along this road and ascended the pass between the Hills, then turned to the left getting up a knoll, from the top of which I got the bearings of K. (the centre Beacon on the E. side of Chusan Bay) and C. (the similar Beacon on the W. side of the Bay). Having fixed this point, I pitched a small Flag, and took bearings to the Flag Staff in front of Colonel Lloyd's tent (Bengal Volunteers) and Montgomerie's stone. To the Westward lay a long and pretty valley, by which I could get down to the level of ground which bears N. W. from our old camp, and by bringing round the right shoulder, keeping the foot of the Hill on my left, I should return to our tents. I am thus particular in naming the place and describing it, as I hope B—— will take a dozen or two of our people, and go and burn the place where the rascals pinned me. He cannot miss it; it is the valley which divided the Hill, on a spur of which the Cameronians were pitched, from the peaked Hill right in front of our Mess tent; so go and pitch into them B——, and oblige yours sincerely—I'll do as much for you another time. I went down the Western side of the Pass, and in a very short time was sensible of my imprudence as the path goes past a Ghos house on the right, thick trees overhanging both sides of the narrow path, and making it quite dark. The Ghos house is in a walled garden full of large trees. I determined as soon as I got clear of this dark and dangerous looking place to retrace my steps, but on getting to the other end of the grove. I became aware that we were followed by a crowd of Chinamen. I took no notice, but turned to the left meaning to go up the hill again, keeping to the open ground. We had hardly turned, when a Chinese soldier rushed out from the crowd with a hoe in his hand, and struck at my old lascar, the only man with me. He avoided the blow and ran up to me in great alarm. I took from him the iron spud which he had used to pitch the Flag, and met the soldier and drove him back, but a number of others, with what they term spears (but from their double prongs we should call them pitchforks) charged me and my poor old man, and of course we had nothing for it but to run. I told the old man to run up the hill, and they would only follow me, but he refused to leave me. The armed people kept on the hill side to cut off my chance of getting up the hill, so I determined to attempt to force my way by the long valley. I am but a bad runner, and my poor old servant was worse, so I went slowly along the valley, turning now and then to keep the Chinese at bay. Meantime the whole population of the valley gathered with loud shouts in our front, and it was evidently a hopeless job. I could not get my old man to leave me and try to escape unnoticed, so we held on, and at a turn in the path which had now crossed to the S. side of the long valley (which lies E. and W.) I was opposed by a few scoundrels with sticks and stones. I charged them, and they got all round me, and then my poor old man ran back about 80 yards, where he was met by the crowd following us, and struck down. I have an inexpressible reluctance to write what follows, but must. I attempted to force my way towards him, but could not, and I saw the inhuman villains pounding his head with large stones as he lay with his face downwards. I cannot doubt that he died. His two sons are my Pensioners now at the Mount school, and of course my brother, or W—Mac T——, will see that their pension continues to be paid. I saw that attempt at flight was useless, and expecting a fate similar to that of my Lascar, I set to work to make the rascals pay for it and fought my best. Of course numbers prevailed, and I was sent down. Instead of dashing out my brains they set to work to tie my hands behind me, and my ankles together, tied a huge gag on my mouth, and then quietly took a large Bamboo, and hammered my knees just over the knee cap, to prevent the possibility of escape. I was then put in a palanquin, which was evidently kept ready for some such contingency, and we hurried off to the N. W. and fetched a circuit round to the S. W. angle of the Island of Chusan to a village about 10 miles W. of the Sapper's Point, as I judge from seeing about 5 miles E. of me a Beacon which is visible from the Beacon above the Sappers' Camp. Here we waited till night fall, my conductors comforting me by repeating the word Ningpo, and drawing their hand across their throats. At about 7 P. M. we got into a boat with a cover, and I lay down and slept. About midnight, as I should guess, I was awakened, and told to get out of the boat, my ankles were set free, a chain put round my neck and I was obliged to walk although my legs were hardly able to bear me, and my head ached dreadfully from two cuts I had received in the skirmish over the skull. I think they were dealt with hoes, but am not sure. We travelled all night in a S. W. direction, and all the next day till about one o'clock, when we reached the banks of a river, and got into a boat. About 2 hours rowing with the stream brought us into Ningpo, where we landed and I went in a palanquin to the Mandarians of Ningpo outer city or 'Heen.' Here, I was examined as to the number of Ships, Men, and other particulars of our state at Chusan, the Interpreter being Poo King Pou, the Comprador who was seized at Chusan about a fortnight after our landing. I was fed and sent to a prison prepared for me by the removal of the four Chusan Mandarins, who had been confined by the Emperor's order for allowing the English to land at Chusan. I may here mention that the *Wellesley's* first broadside mortally wounded the naval Mandarine, and the first shell fired on shore killed the Setpun (Letpun) or Chief Mandarine of the Island, and these two deaths had struck great terror into the Mandarines every where, as they believed we aimed at them, so M——may enjoy the credit of killing the chief. In the prison I was forced to get into a cage of which I will shew you the sketches, with wooden bars, one yard long, one yard high, and two feet wide outside the bars. A ring was put round my neck (of iron) and my hands put in handcuffs locked to a stick about one foot long which was fastened to my neck ring. Very heavy leg irons had been put on me at the Mandarins' in consequnce I supposed, of the abominably exaggerated account my conductors gave of my resistance, by way of shewing their own valour in taking so fierce a warrior. These irons weighed I think 18lbs, and I wore them for four weeks. In this horrid little cage a chain was locked on to my log-rous, and a Jailor slept with a light close to me, so I think it would have puzzled Jack Sheppard to escape. Next day I went again to the Mandarines', and in course of conversation he asked about our Steamers; I offered to draw one for him and did it, he became civil and friendly, and gave the comprador and myself a good dinner, after which I got some hot water and washed off some of the blood and dirt of the struggle, found my head handsomely laid open to the bone, my legs and arms covered with bruises, but no wound of any consequence, and the very judicious *diet* of the prison soon cured all the bangs and bruises.

On the 19th and 20th. I again went to the Tagins (Tazin) and the latter day met there 7 other prisoners from whom I heard of the wreck of their ship, the *Kite*, and their capture. The Mandarines became more and more friendly in their manner towards me, and on this day ordered a bigger cage for me: my new one was 3 feet 6 by 2½. This was comparative comfort and was the fruit of my drawing for the Mandarines, a Map of Chusan bay, town and suburb, with ships and tents; next day I was told to draw a Map of London and did it; Westminster Abbey, St. Pauls', Windsor Castle, and Buckingham Palace very well situated for viewing all four! Next day I had to draw a Map of England, shewing Mail Coaches and cattle somewhat larger than cities or towns: this day (22d) I met Lt. Douglas *R. N.* of the *Kite*, and a nephew of my friend and neighbour, Keith Douglas of Grangemeir in Fife. He was in a small cage and very much worse off than I, being in a worse prison: next day Mrs. Noble, wife of the Captain of the '*Kite*' who with his child was lost in the wreck was brought to Ningpo with Mr. Wilts, chief officer of that ship. The lady was put in a cage in the next cell to mine, chained like me, only the irons were lighter, and so by the bye where those of Douglas, Wilts the Marines and sailors. We went every day to the Mandarines to answer all sorts of foolish chaildish questions: ex. gr. 'what relation was Mrs. Noble to the Queen of England?'; our ages and the state of our families, our pay and a thousand other things were the daily subject of cross questioning. On Monday the 28th September came a change; Douglas, Wilts and I were moved into a new prison, a large room with a fine place to walk in, in front, the cages taken away, and good bedsteads placed for us, and all very much more comfortable, and better than all I got a letter from B——r, which shewed they knew where I was, and that the news would go to England, not as I feared an account of my death, but of a mere temporary imprisonment, just like the Sheriffs of Middlesex got from the House of Commons. From that date up to this present writing (January 2d 1841) we have had nothing to complain of, and very little to tell of. On Monday the 26th October we were all assembled at the head Mandarins', our iron struck off, and we were all to be free in 6 days. He also gave me a letter from M——, and 4 chests of beer, cheroots, clothes, wine, brandy and other slight refreshments. As we believed the Mandarins as to the 6 days, we set to work and lived jollily, and the Beer, &c. &c. did not last long: our life was now pleasant enough, I had writing materials and plenty of leisure, so I set to work to ornament the walls of my prison with drawings of my 18 pounds gun and other diagrams connected with the noble science of Gunnery; I flatter myself I have set forth the true theory of recoil in a new and striking light, and will astonish the Artillery world with a Treatise on Carronades, which will make W——bite the finger of vexation with the tooth of envy. I had to draw portraits of all the Mandarins, pictures of Admiral Elliot, Captain Elliot, the Queen and a thousand other things, & so the weary weary times passes slowly away. On the above day we received from Admiral Elliot, 300 dollars, with part of which we purchased winter clothing for all, and some decent cloths for the lady; a month passed and I got another letter from B——, with beer, wine, brandy, flannel and warm clothing, and the time passed heavily till the 17th Dec. when an ugly vagabond came to the grated door and slipped into my hand a private note from M——; up to this date, though we had written very often the Mandarins never sent our notes, but we now wrote by this man (Blondel de Westa) and asked for a bible, knife, and other things. On the 29th Dec. I received the bible and knife, and wrote this account to be ready for Blondel's next visit, so I will put this by and write out the account of the *Kite's* wreck. I need hardly say how gratified I feel to M——, B——r, B——w, G—— and all Blues and Sappers for their kind and constant recollection of me. We hope soon to be free, and only want freedom to be perfectly happy, as neither I nor Douglas have had a minute's sickness, nor have we been (nor will we be) down hearted for a minute; we are told now that in about 10 days we shall be free.

P. Anstruther.

INFORMATION OBTAINED FROM CAPT. ANSTRUTHER'S MAN IN CONSEQUENCE OF QUESTIONS PUT TO HIM BY DIRECTION OF THE CHIEF MAGISTRATE.

The three British Officers are in the Barracks, but the lady is in the prison of the women, the distance between both is very short.

There are about nine soldiers that watch them outside, and about eight inside, eleven of whom are my intimate friends and belong to my gang, they can be bought over, so also the guard boats; which are managed by poor people, and are under obligations to me for medical assistance.

I am able to take them on board a boat and rescue them, the prison is near the river side.

The place where the sailors are imprisoned is more exposed to public view, and I should not venture in the first instance to liberate them, but wait until I have accomplished the one exploit, and then we may again take measures.

Perhaps the district magistrate who owes more than 10,000 taels to Government as he is a poor man, and the empire is now upon the point of going to wreck, he himself will be anxious to get some money, leave his office and run away, I do not think that would be attended with any difficulty.

Appoint a vessel to anchor at 'Heapoo,' send letters to your officers, and inform them of the preparations that have been made for their release, let them be all ready towards that time, and immediately embark.

From 40 to 50 Dollars to the guards, and 100 to those inside would be sufficient to buy them over.

My own reward I leave to your generosity and should stipulate as a particular favor to permit my relation the owner of the timber yard to remove his things, in reward for my services.

Translation by the Reverend C. Gutzlaff.

(Sd.) W. CAINE, CAPTAIN
Chief Magistrate.

Chief Magistrate's Office,
Tinghae, 4th Jan. 1841.

[*Eastern Star, Feb.* 21.

NARRATIVE OF MR. STANTON'S IMPRISONMENT.

TO THE EDITOR OF THE CANTON REGISTER.

My dear Sir,—In reply to your kind enquiries I am happy to send for the pages of your widely circulated journal, a brief narrative of my late captivity and imprisonment; and gladly do I avail myself of the opportunity afforded by making a public acknowledgement for the kind interest that has been felt in my circumstances. To my fellow countrymen who made so many exertions,—as a plea, availing themselves of the relation of that 'sacred calling' in which I had stood to them during the absence of a chaplain—and to the Portuguese and foreign community generally, I beg to offer my warmest expressions of gratitude.

A boat had anchored during the night under the hill which forms the northern enclosure of Cassilia's Bay, and twelve armed Chinese from it had secreted themselves among the neighbouring rocks. On the morning of the 6th of August, generally among the first bathers, I was earlier than usual, and was dressing on the beach, as the dawn was just becoming apparent, when I found myself surrounded by these men, and their swords, concealed in their sleeves until within a few yards, flashed upon me. I was immediately a prisoner, and carried by hands and feet into their boat: two or three blows on the head had caused a flow of blood, but were not serious. Watch had been kept above to give notice of the approach of other foreigners, but probably, none were outside the walls of the town at the time. At sunset being handed up on deck, I found myself within the Bogue. There two officers took charge, one dignified with a crystal, and the other with a golden, ball; and with these, still accompanied by my captors as guards, I was taken on board a government boat.

The next morning about seven we reached Canton; the prisoner was landed under the beating of gongs led by a heavy chain round his neck, preceded and followed by his guards, their swords drawn. In a large open court, belonging to one of the government offices, the late Viceroy, lieut.-governor, and several of their civil and military subordinates were found already convened. Questioning soon commenced through the lingnists, and continued at intervals throughout the forenoon, the questions relating at first exclusively to my personal history and employments, every circumstances particularly which could be evidence of my having or not engaged in the opium traffic. I had been informed at the bogue that my seizure was by the particular order of the Viceroy though nothing transpired to shew that I had been marked, except as offering, alone and early on the shore, a sure and easy prey; not even my name was known.

By noon they were satisfied of the truth of my statements, and the great body of mandarins dispersed; after this, too, nothing more was seen of other appearances which had led me to expect, as I have since been informed, that my life would have been taken on that day.

About five in the afternoon I underwent a more regular examination before the prefect of the city, a deputed officer from the Viceroy, and others, the deputy questioning from written directions. The questions previously asked were repeated; an account was required of the taking of Chusan—respecting this the Canton government had received accounts from two sources, the Macao papers and their brethren at Ningpo, as we might expect, not agreeing well;—other more unimportant collisions on the coast; the particulars of the English force at that time arrived; resources of England and our estimation of the Chinese navy; number of English residents in Macao, their objects, the present state of the trade, &c.

On some points I was not accurately informed, as with regard to the merchant shipping, trade, &c., and said so. On other points free answers were given, but detached altogether from feelings of hostility: I took pains to convince these Chinese magistrates that I really possessed good will towards their nation. Also care was taken to avoid all appearance of disposition to 'barbarian fierceness,—an instance, of this and its effect—I considered it proper and more clearly prudent to kneel before my examiners. I was only allowed to do so during my first examination, and when first brought before the new Viceroy. On all other occasions when the motion was made, it was politely prevented, and the third time that I was brought up, a chair was provided, I would here mention that throughout further than such confinement as was considered necessary to prevent attempts to escape or desperate violence, I experienced no ill-treatment. On the contrary the greatest consideration and respect were shown by all from the highest to the lowest of those at different times about me. I cannot forbear to mention one instance of feeling. Of the men who took me there was one apparently less moveable than the rest. It was soon however perceived to be merely in appearance,—the man was of a sombre cast, and may not often have smiled in his life, he soon began to watch his captive with the deepest interest. That man when delivering me in charge on the evening of the second day to others who might be less kindly, earnestly pressed me to accept some cash from his slender means, which might, he said, procure some little comforts he had, while permitted, himself seen supplied.

After the first regular examination, in the evening of the 7th of August, a respite of an hour was given; the next hour was occupied in cross questioning, myself then standing and soon after this was satisfactorily undergone, it was decided that the youthful foreigner should be committed to the great prison of the Nanbae district. This I entered at nine or ten o'clock the same night and there remained until the evening of December the 10th. Immediately a chain, allowing of only a short step, was fastened by iron rings above my ankles: and to this were added manacles to my wrists and a chain found my neck whenever about to be brought before a magistrate. All this is customary with Chinese prisoners.

In the room assigned me four of the inferior officers of the prison abode, one of whom was exchanged next day for a linguist, who did the part of comprador. The hong merchants were charged with providing clothes, food, servant, &c. My fellow prisoners were permitted to lend Chinese books, but nothing from without could find entrance until after the late Viceroy's degredation, when a Bible and Prayer book were kindly sent me, as also constant supplies of food and clothing, by the American gentlemen resident in Canton. To them I wish to express my heartfelt gratitude. Until liberated, I was kept in almost total ignorance as to what was passing without, being for three months under the belief that friends at Macao supposed me to have been drowned.

On the 10th of August, and on two other occasions, the enquiries from the Viceroy, through his deputy or others, were continued.

Among the subjects brought forward, the following seem the most interesting.

The Geography of Europe, Asia and Africa was fully canvassed. At one time I could fancy the adventurous commissioner giving orders to the hong merchants for a fleet of junks to coast between rocks and round headlands from this to London with an imperial embassy to Her Brintanic Majesty on board. Of course the captive speculated on being promoted to the sinecure post of pilot in the imperial service. At another time he was to be the guide of the great ambassadors through Central Asia and Europe, a more desirable task in some degree either would have provided some little time for 'delay.' However it was soon apparent that their minds had been somewhat troubled about their western frontier. The time in which Chinese Tartary can be reached from Engladd, the geographical and political relations of England and Russia, the countries between them, and between Russia and India, my examiners were very particular about. Tibet was evidentley their main concern, though it was amusing to see the way in which mention of it was avoided, and questions asked about the countries near it. It is remarkable that nothing was said about the southern frontier and dangers from our Indian possessions; we may conclude the more surely that they are wide awake there.

On some subjects they had exaggerated notions; a Chinese examiner does not generally trouble himself on such occasions, and a little openness has a good effect. His excellency had supposed that along with Herat the whole of Persia had become subject to Britain, and was pleased to be corrected.

Translations of parts of Murray's Cyclopedia of Geography, which it is well known have been made in Canton, were on the table, and with these my deposition was compared.

The moving Lin wanted instruction in the principle of the steam engine. All present seemed to comprehend it, and took much interest. One other mandarin sent afterwards to my quarters for a repetition of the lesson. The action of the piston rod was easy, but a draught of an ordinary engine, about which moreover I should myself have had some trouble, more if I had been set to instruct Chinese blacksmiths in the way of making it, would have puzzled even Lin's piercing eyes. Such an impudent speech of course could not be addressed to such dignity, and the man and piston rods were connected in more simple fashion than might have encountered smiles of an experienced engineer to be put in practice, or rather attempted. I could fancy, for the great innovator of Chinese 'custom.'

You well known that your paper is read ni the governor's palace; none published after my move from Macao were shown me, but in an extra published a few days before, there was a long extract from the *Spectator* far beyond the comprehension of the learned interpreter; the foreigner's aid was called in. A mandarin 'must' ask not only the meaning of sentences, but to be sure of coming at the truth of every word, and thus I worked on my way. The Chinese hav'nt works in their language, or ideas in their minds, to represent the situation and objects of a speaker in the British parliament, and you would have been amused at the circumlocutions and laying of ground work called for at every step. In about half an hour we had fairly finished the first paragraph of three lines and a half. I was not altogether sorry to find my friends by this time tired, and the informant being very communicative and willing to proceed they took his words that the whole mysterious piece was of the same nature and dismissed him.

The most interesting of all, upon which my assistance was required was the case of the French missionary and his Chinese companion taken in October endeavouring to proceed up the river of Canton.

There were besides in the same prison with myself a lascar and a Macao caffre. The former had run away from his ship and was seized on Lintin or an island near it in July. In prison he was well taken care of at the charge of the Consoo house.

The caffre had been taken at Heangshan in a Chinese dress. He was treated in all respects as a Chinese prisoner.

On Thursday, December the 10th, I was brought before Keshen, from him received every expression of sympathy and favour, and was relieved from my chains and irons.

Having spent the night at the palace, in the morning I took leave of Canton accompanied by two officers and in a chair as handsome as their own to the great horror, no doubt, of any 'of the old school' who may have witnessed the desecration.

The next morning, December the 12th, I ascended the sides of H. B. M. Ship *Wellesley*, Commodore Sir J. J. B. Bremer, and was received most kindly by himself and Captain Elliot, by whom I was reassured of what I had been told by Keshen himself, that my liberation had been in consequence of particular application, and I understood unconditionally. I cannot sufficiently express my sentiments of gratitude to these gentlemen and to Captain Smith and others.

My dear Sir, I had for a moment stopt. I had felt delicate about expressing a Christian's feelings unreservedly,—or rather a difficulty about the manner of expressing them in a secular publication. I would desire, though it may be not fully successful, to say what I say with judgment.

I would acknowledge then thus prominently the good hand of my all powerful and ever gracious God upon me for good, throughout my apparently perilous captivity.

Again, I have lately been on the threshold of eternity. For thirty hours there seemed little prospect of again meeting in Macao the friends whom I love, as I have been permitted to do this day. The instrument and stepping stones to death were continually before my eyes: on the morning of the 7th of August I heard what I thought at the time was my death-warrant read; and a few hurried strides would have placed me within the portals. If I say that I was happy in this situation, and it seem instruction, bear with me. Some of your readers had heard me express such hopes as these, or principles and knowledge that a failure then would have proved insincere and imaginary, I remembered them at that hour; the immortal souls of those for whom I had concern were seen, the future becoming present, in the valley of death. But some seemed to tremble, fearfully did they tremble; yes, I saw some burst, before their turn, with the swellings of despair. Oh, if any would take a word from one who has but just left such a scene who has experienced in his own heart peace, even joy before the once dismal throne of the kink of Terrors, whose nerves have shrunk from the headsman's sword, and been silenced to a calm as heaven for his eternal dwelling place was opened to his view; if any will believe a report from such an enemy who causes you a momentary pain—ah, talk not of a more convenient season, and that day find you unawares.

But I must not here say so much. In concluding I would again endeavour to express my feelings of gratitude for the concern and kindness which have been elicited. I believe I shall associate with my return to Macao in December, 1840, every kindness that it may be my happy lot to meet with to the end of my life, and desire to continue in sincerity.

VINCENT STANTON.

Macao, Dec. 14, 1840.

NARRATIVE OF FACTS ATTENDING THE WRECK OF THE TRANSPORT 'INDIAN OAK' ON THE LOOCHOO ISLANDS; COMMUNICATED FROM THE POLITICAL SECRETARIAT OFFICE, GOVERNMENT OF INDIA.

To C. B. GREENLAW, ESQ.
Secretary to the Marine Board, Calcutta.

Sir,—The last letter I had the honor to forward to your address, was from Singapore, dated 23rd June; on the following day I sailed for Macao in the transport 'Hooghly,' taking with me the transport' Clifton,' as directed by His Excellency the Admiral and Commander-in-chief; and arrived with the above ships at Macao on the 12th July, where I received further instructions to proceed with the ships under my orders to Chusan, and arrived at the latter port on the 28th July, where I joined the Admiral and fleet. His Excellency the Admiral directed me to return to Singapore, and assume the duties of Resident Agent for transports at that port; in pursuance of which, I was directed by Commodore Sir J. J. G. Bremer to join the transport 'Indian Oak' for a passage to the latter place. We sailed from Chusan on the 10th of August, and on the 14th instant following, I regret to say, were wrecked on the Great Loochoo Island, in lat. 26d. 21' 46" N., about 11 miles to the northward of the principal place, Napakiang; and longitude" by the 'Indian Oak's chronometer 127d. 12' 45." E., which now proved to have been full thirty miles to far west. For particulars, I cannot do better than refer you to the enclosed copy of a letter addressed to Commodore Sir J. J. G. Bremer, forwarded through the chief officer, Mr. Field, who succeeded in making in Chusan the launch, and returned to our relief with H. M.'s ships 'Nimrod' and 'Cruizer' on the 16th September. As the junk mentioned in my letter to the Commodore had been built, and nearly completed, in which it was our intention to have proceeded to Singapore, Captain Barlow, senior officer, was of opinion, that she might be useful to the force at Chusan, and determined on sending the 'Cruizer' back with the mails and dispatches on the following day, and remain to accompany the junk. When all being completed, and the stores and crew of the' 'Indian Oak' embarked on the junk, I, with Mr. Payne my writer, embarked on the 'Nimrod,' and sailed on the 29th of September for Chusan, where H. M's. ship 'Nimrod,' with the junk 'Loochoo,' arrived on the 5th instant.

I should not do justice to my own feelings, or to those kind Islanders, the Loochooers, were I to omit stating, and bringing to the notice of government, the very great kindness and hospitality received from the moment of our landing to the date of our departure, which was uniform from the first to the last, with the exception that we were not allowed to pass into the interior, or exceed the limits of our compound beyond the wreck; our own countrymen could not have been kinder. They not only built a vessel of 150 to 180 tons burthen, but gave us a plentiful supply of provisions during our stay of forty-six days on the Island, and one month's provision for every person in the junk; they also furnished H. M.'s ships with water and fresh supplies during their stay, declining to receive any thing in the shape of payment in return; stating they neither wanted gold or silver, but in the event of any of their own vessels falling on the coasts of any of our settlements in distress, that we would treat their people with the same kindness, and send them back to their country. The only return they accepted was a telescope from myself, and one presented by Captain Barlow, with twelve copies of the Saturday and Penny Magazines, a small print, and a looking glass in the name of Her Britannic Majesty.

In conclusion, I can only regret my inability to do full justice to those kind, hospitable, and good people. In my letter to Sir J. J. Gordon Bremer, I stated the latitude of the wreck to have been 26d. 11', which is wrong, and which mistake was occasioned by an error in the sextant, that I did not discover until after the departure of the long boat; the true latitude however is 26d. 21' 33' N. both by double altitudes and altitudes of the Pole Star, all taken on a false horizon, at the village of Peekoo.

As I have kept a journal of occurrences during our stay in Loochoo, should it be requisite, I shall be able to furnish full particulars of every occurrence, winds, weather &c., that took place until my departure. H. M.'s 'Ship Nimrod.' His Excellency the Commander-in-chief has directed, that I should hold myself in readiness to proceed to Manilla with two or three transports, in which sick troops are to be embarked for a change of air and fresh supplies. On receiving further instructions, I shall not fail to apprise you of my movements by the first opportunity.

(Signed) J. J. R. BOWMAN,
Agt. for Transports, Eastern Expedition.
H. Co.'s Transport, Futty Salam.
CHUSAN HARBOUR,
19th October, 1840.

To SIR J. J. G. BREMER, K. C. B. &. K. C. H.
Commodore of the 1st Class.

Sir,—It is with sincere and deep regret, that I have to report the loss of H. M.'s transport 'Indian Oak,' R. Grainger, Master, on one of the Loochoo Islands, on the 14th instant, about 11 A. M. The following heads of occurrences will I hope afford you all the information I am at present able to give on this most unfortunate event.

Monday, 10th August. Parted company with H. M's ship 'Alligator,' off Keeto Point, Chusan, and passed out, between the Buffalo's Nose and the Quesan Islands.

At 9 P. M. the S. Easternmost Island, Patahecock, bore EbN. 4 to 5 miles, blowing a fresh breeze from the northward, steered SEbE.

Noon, Tuesday 11th.—In Lat. by Obs. 28d. 26' 17"; Long. Ch. 123d. 24' 15" E. departure taken from Chusan said to be in 122d. 6' E. of Greenwich; at this time blowing a hard gale from NNE. with a high sea; the ship was reduced to close-reefed topsails, and topgallant yards sent down on deck. Bar, 29d. 63.'

Midnight. Severe gale and high sea, Bar. 29d. 50'

Noon, Wednesday 12th:—Lat, Obs. 27° 13' 22" N.; Long. Ch. 124d. 55" E; Bar. 29° 40'; ship's main rigging very slack, and in great danger of losing the main-mast; sent down the gallant mast, and swifted the rigging in Furled the fore and mizen-topsails, and hove to under close-reefed main-topsails.

Midnight. Gale very severe from the northward, blowing in gusts, with rain and a very high sea. Bar. 29d. 35.

Noon, Thursday 13th.—Lat. Obs. 26d. 29', N. Long. Ch. 124d. 51' E; Bar. 29d. 35', P. M. 3; somewhat more moderate, set the fore-topsail and steered EbS.

6 P. M. Set fore sail, and at 10 P. M. set the main-sail. Midnight strong gales and hard squalls.

Friday 14th,—10 A M. course per log, from noon of yesterday, allowing one point lee-way for the heave of the sea, placed the ship in as follows;—Course per log 166d 30' E. 121 miles. Lat. D. R. 26d. 51' N; Long. R. R. 127d. 2', from which Capt. Grainger considered himself well to the SW. of the Loochoo Group, when in the act of working up the above reckoning, discoloured water was reported by the officer of the watch, and the ship immediately hauled up SSW. the wind previously having hauled to the NW. in a very severe squall, shifted to the westward of the ship, broke off the SSE.; land and breakers were now seen on our lee quarter, extending to SSW. on our weather bow; wore ship and stood to the northward, at this time the fore-topmast staysail, fore-topsail, and foresail, were blown out of the bolt ropes; found ourselves unable to weather the north point of the Island, off which was a long extent of heavy breakers, and a very high sea running; the weather being so very thick, the land was scarcely discernible, although not more than three miles off. Finding ourselves embayed, and no possibility of saving the ship, wore with the hope of saving the lives of the crew, and stood to the southward for what appeared an opening, but which proved only a small inlet or bay, full of breakers. The heavy sea and the want of sail, setting us fast on the shore, between 10 30, and 11 A. M. struck on as extensive rocky ledge, extending about two miler from the shore, with numerous rocky patches, just a wash. The sea now made a clean breach oven the ship; she shortly after fell over on her beam-ends, and broke her back about the chess tree, the fore part falling in deep water. Cut away the main mast, and some time after the mizen mast. All hands now collected aft, under the poop, and on the weather quarter and mizen chains. On the ship's falling over, lost the larboard quarter boat which was washed on shore, by which we observed the tide to be falling.

The gale now increasing to a severe hurricane, with heavy rain, our only remaining hope was in getting a rope on shore. The first attempt to carry a line on shore was made by William Bagburn (seaman sent from the Blenheim) but owing to the strong drawback, failed, and was some riskwhit hauled in; a second attempt with the lead line was made by a lascar, who succeeded in reaching the shore (greatly exhausted and cut by the rocks) but lost the line. About this time a number of natives came down and motioned us to land. An attempt was now made to get the jolly boat out which was stowed on the launch, but in doing so, she was stove to pieces. Several attempts were now made with hatches, gratings, and oars, all of which failed, owing to the line fouling the rocks; two more attempts were made, by two lascars, to carry the log line on shore, one of whom succeeded, and the end of the deep sea lead line got on shore, but which also fouled the rocks, and was thereby rendered useless. The tide coming in, all the Islands with our two men left the reef; our only remaining hope being in the strength of the ship, and the after part holding together. As the tide came in, the wind and sea increased; the latter making a complete breach over all, fore and aft, and throwing pieces of sheathing and copper over the vessel in all directions. Finding it impossible to hold on longer on the outside, all hands got under the poop, with the ship on her beam ends and deck nearly perpendicular.

As the tide came in, the sea gradually hove the vessel higher on the reef until she lodged on a small ledge of rocks. Our rudder was torn off with part of the counter shortly after striking, through which the sea rushed into the poop and lower cabins. Each sea that struck the vessel shook her very frame. Closely huddled together under the poop, were the commander, officers, passengers, and crew, drenched by every sea, and shivering with cold, most of us having thrown off all clothes, as it was likely to impede swimming. We remain in this state until about ½ past 11 P. M., when the tide having receded, and the weather considerably moderated, we found ourselves much nearer the shore, and comparatively smooth under the lee. Sounded on the lee side, and found only from five to six feet water; immediately piped all hands on shore, the mizen mast yards, and gaff forming a raft. All hands got on shore, including the sick, in safety, with exception of a few cuts and bruises from the rocks. All the crew and passengers having got on shore, myself, the commander and officers followed, and after walking about a mile over a rocky ledge, towards some lights at high water mark, were met by a party of the Islanders, and greeted with kind hospitality, hot tea and rice being served out to every man. Nothing can show their hospitality in a stronger light than the following:—I had nothing on but a shart and drawers, drenched to the skin; one of the principal men noticing my situation took off his outer jecket or coat, and insisted on my putting it on. After resting on the beath a short time, we were conducted to a comfortable dwelling, or court house, where dry clothing was given to all who stood in need, and we were again regaled with warm tea, rice, eggs, and fowls. Words are not adequate to express the kindness, attention, and hospitality, we have received from the first moment of landing to the present time, from these kind and good people; their honesty is beyond praise,—articles of silver, gold, and wearing apparel strewed in every direction to dry, but not an article touched.

Most of our wearing apparel has been saved, but all more or less damaged from being drenched for several days in the sea. Several dozens of the Commander's wine and beer have also been saved, but I regret to say little of the ship's provisions. We are entirely dependant on these good people, who have up to the present time supplied us abundantly.

For all further particulars, I refer you to the bearer, Mr. Field, first officer of the late ship 'Indian Oak,' whose conduct throughout this trying occasion has been most meritorious; and in nothing more so, than at present, in volunteering to proceed in the launch to Chusan, as the bearer of intelligence most unfortunate, and I fear of serious disappointment and loss to the expedition generally, which no one can feel more than myself. I can give you no description of the place, as we are not allowed to go beyond the limits of our dwelling, except to the wreck.

From altitudes taken in a false horizon for the Chronometer, and several altitudes of the Pole Star. I make the geographical position of our dwelling, about two miles east of the wreck, as follows:—

By a meridian altitude of the sun from the wreck, about 1½ miles horizon, ... 26d 11' 34" N.

By several altitudes of the Pole Star taken in an artificial horizon, 26d. 11' 22' N.

Long, by Chronometer, ... 127' 12' 45" E.

from which I conclude we are on one of the small Islands to the westward of the Great Loochoo; but the natives whenever questioned, say we are on the large Island, but jealous of our gaining any knowledge of their Island, invariably evade the question; they however have promised to build a vessel to take us to Singapore; of the following dimensions, which they say shall be ready in two months viz. 65 feet long. 23 ditto broad, 7½ ditto hold.

I trust however Mr. Field will succeed in reaching Chusan in safety, from whence I feel assured speedy relief will be sent, with this hope, and full confidence in a good God.

I am, &c.

(*Signed*) J. J. R. BOWMAN,
Agent for Transports, Eastern Expedition.
LOOCHOO ISLANDS, *28th August,* 1840.

P. S.—Since writing the above, I have been assured by one of the principal men that we are on the Great Loochoo this from what I can see of the land from the wreck, is my opinion, also judging from captain Hall's description of Napaking Harbour, the wreck lays a little to the southward of Abbey Point, in the above place. If I am right and what the islanders state is correct, the longitude shown by the 'Indian Oak's' chronometer must be twenty-five miles too far west. I have had no opportunity of getting a lunar as yet, but shall endeavour to do so by the first opportunity. I have also to add, that every circumstance relating to Chusan and the fleet, has been kept a secret from the Islanders, fearing it might operate against us, as they are tributary to China, and now fitting out two junks for Amoy. I trust however we shall be relieved from our present painful situation before these or other vessels return. Mr. Field the bearer, I hope leaves to-morrow. I have the pleasure to state the dispatches and letters are saved, but more or less wet with sea-water.

(*Signed*) J. J. R. B.

Note.—I lose no time in publishing the above interesting narrative. The natives of the Loochoo Islands seem to preserve unimpaired the kindness of disposition, which distinguished them when Basil Hall visited that distant archipelago, although some greater degree of caution and strictness as respects intercourse with the interior, on the part of foreigners, seems now to obtain among them, than was the case when Englishman first became intimately acquainted with them. Of Captain Beechey's subsequent visit there exists I believe no published account; and although Mr. Tradescant Lay, the naturalist, who accompanied that officer, has published a notice of, the Bonin Islands, he has not included (I speak from memory) in his work any detailed mention of the Loochooans. A narrative of the Russian Captain Creusensturn's voyages to Loocho has I believe appeared on the continent, but I have never seen the book. The accidental sojourn of Captain Bowman and his party among these kindly islanders, is an occurrence of much interest and it is to be hoped that no Englishman will ever abuse their hospitality, nor fail to requite it when the occasion may offer of returning it in kind.—*Journal of the Asiatic Society of Bengal.*

BURMAH.

MAULMAIN CHRONICLE, FEB. 3.

We learn that difficulties have occurred to interrupt the course of trade between the Shan states and Maulmain, and that consequently our Commissariat may not expect this year the usual supply of cattle from that quarter. We hear that some more than two hundred persons, traders from Maulmain, who went up to those regions several months ago with various articles of commerce, are still there, and that among them there is computed to be about a lakh of rupees, which cannot be employed in any investments. About two hundred cattle were purchased, and while on their way to Maulmain were stopped by authority, and are not permitted to proceed till the purchasers shall have given the names of all the persons of whom the cattle were purchased. The object of this requisition is to levy a tax upon the former owners of the cattle—or, in other words, to abstract a certain part of the price realized by the sale of the cattle. The tendency of this proceeding, it will at once be perceived is inevitably to put an end to the trade in question. It is not at all unlikely that this interference is agreeable to orders received from the seat of Government at Bankok, and may possibly bear some relation to the position of our affairs with the Chinese Empire.

We have lately come to the knowledge of some facts, which, we believe, are not uncommon in the bazar, and which those who are in the habit of purchasing their daily supplies at that place, will find it for their interest to look into. We allude to the diversity of weights used, and the manner of using them. Sometimes the Burmese viss and sometimes the English pound are used and as there is no regulation for weights and measures in force, one may see a considerable variety of them in the bazar,—either brass, lead or stone. The brass weight may probably be taken generally as correct; but as to the accuracy of the other weights, the purchaser has merely the word of the other party to depend on, and therefore it may be reasonably doubted. We know an instance in which a stone, said to be a viss-weight, was used, and on being compared with the brass weight, was found to be less by two rupees. It is not at all unlikely that a deficiency would be found in many such weights

throughout the bazar, were a careful and strict examination to take place, a manner not to excite suspicion that detection were the object. The Burmese viss is equal to 3 pounds and ounces (nearly) Avoirdupois, and being converted into Troy weight, will be equal to a small fraction more than the weight of Co's Rs. 140. A deficiency of 2 Rs. therefore, in the weight of a viss is not much, unless the article sold be valuable, but it is as evidently a designed deception as if it were much greater. In some instances, articles are sold by the *pound* and the fractions of the Burmese viss used as weights—a most absurd anomaly, and cannot be accurate without a much closer calculation than is likely to be made by the bazar retailers. But the greatest cheating is performed by the steel-yard, used generally at the meat stalls, and is effected by a slight motion of the hand by which the hook is suspended, on the short arm of the lever, and will pass without detection unless the eye of the purchaser is particularly watchful. We know an instance in which a bit of meat was delivered to the purchaser, which apparently weighed some more than 11 pounds; it was paid for, but the suspicions of the purchaser being excited, he demanded that it should be immediately re-weighed. The seller, finding the action of his hand scrutinized, could not manage the affair successfully a second time, and the purchaser, taking the steel-yard and suspending it fairly, found the weight about three pounds less than the worthy butcher had made it. We have merely brought this subject to notice, that heads of families may, if they choose, take care that they do not pay for what they do not get. We are not aware that any penalty can be incurred in such cases, as there is no rule of government in force touching the weights by which articles shall be sold, and therefore the cheat may either make up the deficiency, or refuse to sell you the article which you want. Most people, we presume, will question the propriety of the use of various and divers weights in a single community; but they should understand that nothing but the interference of Government can prevent the practice, and how far that can be exercised with propriety, is a question on which there is a difference of opinion. We can only say that a Government, who establishes by law a medium of exchange by coining money, cannot be chargeable with inconsistency if it employ its authority to establish the use of uniform weights and measures.

PINANG.

Pinang Gazette, January. 30

Shipping.—The Barque *Lord Western*, as we anticipated in our last, entered the harbour from Singapore on Saturday, for the purpose of loading about 3000 piculs of Province Wellsley Sugars of various qualities, which we understand have been purchased at considerably advanced rates to those obtained six months ago. This vessel will return thither on Tuesday next to fill up the remainder of her cargo for Liverpool. The other arrivals during the week are all likewise from Singapore and Malacca, and bring no news.—The general expectation of the immediate appearance of a vessel from Calcutta has has not yet yet been realized, but as the first arrival from thence last year with opium from the January sales was about this period of the present month, we may reasonably calculate that the next signed to the westword will announce the event so much desired.—The Steamer *Diana* sailed on Tuesday for Calcutta via Mergui, and may be looked for here again in all March next.

Province Wellesley.—We unlerstaud that the Honorable the Governor intends shortly to proceed to Province Wellesley and to make a general tour of the country, a circumstance which will no doubt give great satisfaction to the inhabitants, since the presence of the Chief authority of the United Settlement will procure for them many benefits and improvements which have long been desired, and which appear hitherto to have been withheld from them. We allude to the want of proper roads, and to the efficient repairs of those that are already in existence which in the rainy season are so perfectly impassable, that the ryots are compelled at great inconvenience and labour' to transport the produce of their lands to the beach for shipment to George Town. We must not also omit to notice the evils which have obtained in the Province, of a monopoly of certain rivers, ferres and portions of the beach for passage boats; nor of the exactions which the Panghulus and other subordinate officers of the police are reported to be in the habit of making for their own personal benefit from squatters on lands belonging to the E. I. Company, who have no written titles to their several allotments, but are countenanced in the occupation of them by the mere *verbal permission* of these functionaries, whose object of course is keep them away from the Collectors Office, and thus to deprive the government of their lawful rents. Rice is now cultivated in Province Wellesley to an extent not only to supply its own demands, but to furnish in a material degree the wants of this side of the water. Several extensive Spice and Fruit garden formed on European capital, are now flourishing there and promising shortly to yield abundantly; and in addition to the large Sugar plantations at Battu Kawan, which afford considerable exports to Singapore for ultimate shipment to England, we learn that an enterprising merchant of this Island has applied for and obtained a lease for 1000 orlongs of forest ground in Province Wellesley for the manufacture of Sugar, and that a great part of this land has dready been cleared and is in a forward state for planting.

It is said that it is the intention of government to levy an assessment of 5 percent per annum on the estimated reputal of all the lands at Province Wellesley, but when it is to take place we have not heard. We however think that unless proper roads are made and maintained throughout the country, any impost of this description will be very unpopular.

CHINA.

LATEST NEWS.

Macao, 11th Feb. 1841.

With reference to our Circular of 18th and Captain Elliot's, of the 20th ulto. we regret to report that the preliminary arrangements therein announced are still in suspense and trade continues still suspended with the utmost uncerttinay as to when it may be re-opened which it ought to have been on the 2d instant. Kishen's arrangements are exceedingly unpalatable to the local authorities and people of Canton, who have all along confidently stated that they would not be sanctioned by the Emperor; which is strongly confirmed by the warlike preparations going on at Canton and it is now said a new commissioner is on the way to supersede Kishen. He himself still keeps up friendly appearance with Captain Elliot, who left this yesterday to meet him within the Bogue professedly for the purpose of concerting final arrangements for the management of business at Canton. But it is the general opinion of the Community that matters cannot be arranged for some time yet, and that more fighting will possibly be required.

We exceedingly regret this uncertainty; for which, however, we in some measure prepared you In our Circular of the 18th ultimo.

The smuggling of Tea goes on with increased facility but the qualities brought down are inferior and prices exceedingly high. The *Chieftain and Parrockhall* are nearly laden for England with teas obtained in this manner.

From the Canton Register, 9th Feb.

Proclamation by Charles Elliot, Esquire, a captain in the royal navy superintendent of the trade of British subjects in China, and holding full power under the great seal of the United Kingdom of Great Britain and Ireland, to execute the office of her Majesty's commissioner, procurator, and plenipotentiary in China.

The island of Hongkong having been ceded to the British Crown under the seal of the imperial minister and high commissioner Keshen, it has become necessary to provide for the government thereof, pending her majesty's further pleasure.

By virtue of the authority thereof in me vested, all her Majesty's rights, royalties, and privileges of all kinds whatever, in and over the said island of Hongkong, whether to or over lands, harbours, property, or personal service, are hereby declared, proclaimed, and to her majesty fully reserved.

And I do hereby declare and proclaim, that pending her majesty's further pleasure, the government of the said island shall devolve upon and be exercised by, the person filling the office of chief superintendent of the trade of British subjects in China for the time being.

And I do hereby declare and proclaim that, pending her majesty's further pleasure, the natives of the said island of Hongkong and all natives of China thereto resorting shall be governed according to the laws and customs of China, every description of torture excepted.

And I do further declare and proclaim, that, pending her majesty's further pleasure, all offences committed in Hongkong by her majesty's subjects, or other persons than natives of the island or of China thereto resorting, shall fall under the cognizance of the criminal and admiralty jurisdiction, presently existing in China.

And I do further declare and proclaim, that, pending her majesty's further pleasure such rules and regulations as may be necessary from time to time for the government of Hongkong, shall be issued under the hand and seal of the person filling the office of chief superintendent of the trade of British subjects in China for the time being.

And I do further declare and proclaim that pending her Majesty's further pleasure, all British subjects and foreigners residing in, or resorting to the island of Hongkong, shall enjoy, full security and protection according to the principles and practice of British law, so long as they shall continue to conform to the authority of her majesty's government in and over the island of Hongkong, hereby duly constituted and proclaimed.

Given under my hand seal of office, on Board of her majesiy's ship *Wellesly* at anchor in Hongkong Bay, this twenty-ninth day of January, in the year one thousand eight hundred and forty-one.

God Save the Queen,

L. S. (Signed) Charles Elliot,

(True Copy) Edward Elmslie,

Secretary and Treasurer to the Superintendent of British trade in China.

PROCLAMATION.

Bremer, commander-in-chief, and Elliot, plenipotentiary, &c. &c., by this proclamation make known to the inhabitants of the island, of Hongkong, that island has now become part of the dominions of the Queen of England by clear public agreement between the high officers of the Celestial and British courts: and all native persons residing therein must understand. that they are now subjects of the Queen of England to whom and to whose officers they must pay duty and obedience.

The inhabitants are hereby promised protection in her majesty's gracious name, against all enemies whatever; and they are further secured in the free exercise of their religious rites, ceremonies, and social customs; and in the enjoyment of their lawful private property and interests. They will be governed peuding her majesty's further pleasure according to the laws, customs and usages of the Chinese (every descriptions o torture excepted) by the elders of villages, subject to the control of a British magistrate; and any person having complaints to prefer of ill-usages or injustice against any Englishman or foreigner, will quietly make report to the nearest Officers, to the end that full justice may be done.

Chinese ships and merchants resorting to the port of Hongkong for the purposes of trade are hereby exempted, in the name of the Queen of England from charge of duty of any kind to the *British* government. The pleasure of the government will be declared from time to time by further proclamation; and heads of villages are held responsible that the commands are duly respected and observed—Given under seal of office, this 1st day of Feb. 1841.

Intelligence from Canton. *February 8th*—The latest news from Canton dated yesterday indicates a wavering on the part of the high commissioner, *Keshen*, to fulfil his engagements with Captain Elliot. It is reported that an imperial edict has arrived in reply to *Keshen's* report of the capture of the forts, the tenor of which is extremely hostile to the English; and that *Lin, and Tang* are ordered to be taken into the Official confidence of *Keshen* as to the settlement of affairs!' If the reports from Canton are correct, it would appear that although *Keshen* assured the British plenipotentiary that all should be arranged, according to the conditions of the circular issued by H. E. under date the 20th ult., those conditions have never been ratified by *Keshen* effixing his official seal to them.

(From the Canton Press, Feby. 6.)

A rumour has been current during the week that the Blockade of the river would be raised even before all differences with the English are finally arranged, and that in consequence six American ships which have got their chops of permission to enter the river from Canton, would proceed to Whampoa, immediately. Wthare from the best authority enabled to state that this remour is totally unfounded, and that the present blockade will not be relaxed until the English ships shall also be admitted by the Chinese, or in fact until the final settlement of the existing differences between Great Britain and China.

Very soon after the accounts of the probability of a War between England and France, brought by the *Folkestone* become known, the French sloop of War, *Danaide*, Captain Rosamel, got under weigh, supposed to be bound for Manilla. This vessel, should war be declared, will be ant awkward coustomer to merchant ships in these seas. She is heavily armed with 20 32-pounders, and 4 68-pounders; on the first intelligence of war having actually broken out, some of the British squadron, now here, will, we suppose, be sent in search of her.

THE NEGOCIATIONS.

Captain Elliot returned from his interview with Keshen on Friday night, and on the Saturday published the following.

CIRCULAR.

To Her Britannic Majesty's Subjects.

Macao, 30th January. 1841.

The Plenipotentiary acquaints Her Britannic Majesty's Subjects that the negotiations with the Imperial Commissiouer proceed satisfactorily.

Learning however that some of Her Majesty's subjects are preparing to go to Canton, he feels it his duty to declare that persons pursuing that course, before he publishes a declaration that he considers it safe and suitable, must be pleased to understand that they are acting contrary to his sense of what is right for the public interests, and must incur the whole risk and responsibility of their own proceedings.

CHARLES ELLIOT.

Her Majesty's Plenipotentiary.

It certainly is consolatory to be told that negociations proceed satisfactorily, but we confess that we should like to be able to refer our readers to somewhat more substantial proofs of a settlement being close at hand, instead of which we can only see that one condition at least of the preliminary arrangements the conclusion of which H. M. Plenipotentiary announced to H. M. Subjects on the 20th January, is already evaded by the Chinese. We allude to the fourth condition of those arrangements which says: "The Trade "of the Port of Canton to be opened within 10 "days after the Chinese New Year, and to be "carried on at Whampoa till further arrange- "ments are practicable at the new settlement. According to this, British ships ought ever since the 3rd of this month to be on their way to Whampoa; but all applications for permission for them to enter the river have hitherto been refused, nor have British Merchants themselves been allowed to proceed to Canton, although that this would be permitted must be inferred from the paragraph quoted from Captain Elliot's Circular of 20th January. It is true that in that of the 30th H. M. Plenipotentiary warns British Merchants against going to Canton until further notice from him, without however mentioning that the Chinese have already refused to fulfil one of the conditions he himself has publicly announced as having stipulated with them. That there is something wrong in the negociations can no longer be doubted or else, why has the trade not been opened, as the Chinese promised it should be? If on the other hand, negotiations were at the time H. M. Plenipotentiary published his circular not in a sufficient state of forwardness and that nothing, as we suspect to have been the case was finally concluded, the publication of the circular may be the cause of incalculable mischief. The official news of a speedy settlement of differences will reach England by the John O'Gount, and India by the Enterprize, its natural consequence will be speculation upon a false basis, ruinous to those concerned in it; the circular will cause the prices of Teas to fall without good cause for such depreciation, and exports to China will rise in the same proportion, and Merchants will be justified in their opinion and that of their friends in consequence of having acted upon information coming from such high authority. But, alas, experience has already proved to us in this instance, that even this high authority may be misled, and thereby become the cause of misleading others into loss and misfortune. Up to Friday (yesterday) morning nothing of any importance as to how the negotiations proceeded, had transpired; it was said that H. M. Plenipotentiary would during the week proceed to Canton, there to sign the treaty, but H. E. has not yet moved from Macao, and it would appear that before the arrangement is finally concluded if indeed its provisions are already in a state of sufficient forwardness, the Imperial Commissioner has found means to prevail on H. M. Plenipotentiary to awaitan answer from Peking, which may now already have arrived in Canton, Keshen's report of the taking of Chuenpee and Ty-cock tow. There are indeed rumours current here that such answer has been received; that His Imperial Majesty is greatly incensed as the presumption of the barbarians, and at the yielding dispositions of Keshen; that on no account is Hongkong to be ceded to the English: but that the Emperor agrees to the payment of the stipulated compensation. We merely give this as a rumour; we believe that up to yesterday morning important despatches were expected by H. M. Plenipotentiary from Canton, and facts, as stated above, preve to us that the arrangements notified by Captain Elliot as concluded a fortnight since, have not come to conclusion yet. We should not be sorry to see the present negotiations broken off; the conditions obtained from the Chinese are in our opinion much less favorable than they ought to be, and should the Chinese not understand their own interest well enough, and refuse to accede to them, it is to be expected that better terms will be forced from them next time.

INTERVIEW BETWEEN CAPTAIN ELLIOT AND KESHEN.

(From the Canton Press, 30th January.)

We last week published Captain Elliot's Circular, containing the 'preliminary arrangement' entered into with the Imperial Commissioner Keshen, and no information on the 'details remaining matter for negotiation' has since reached us. H. M. Plenipotentiary left this in the Steamer *Nemesis* on Tuesday last, and on Wednesday, being joined by the Steamer *Madagascar* proceeded to Second Bar, accompanied by Mr. Johnston, H. M. Deputy Superintendent of Trade, M. Challaye, French Vice Consul, Captains Herbert, Maitland, Blake, Warren, Nias, Eyes, of the squadron, and by several military officers, whose names we did not learn, also by Captain Rosamel, of the French sloop of war the *Danaide*, making in all a cortege of about twenty gentlemen. They landed near second bar Pagoda, being escorted by a guard of honor of about 70 marines under comand of Lieut. Maxwell of the *Druid*, and were very courteously received by the Imperial Commissioner Keshen, who waited their arrival, a number of high officers of the Province, and also the Hong merchants Howqua, Mowqua, and Pwankebqua, being in attendance, under tents erected for that purpose. The gentlemen composing H. M. Plenipotentiary's suite, were, by that officer, seriatim introducted to Keshen, and the ceremony went off in the very best style, after which they were invited and sat down to a banquet prepared for them. At Keshen's desire the marines went through their exercise, much to the admiration of the Chinese, and while the English visitors were at dinner, Keshen sent for two privates of the marines and closely inspected their dress, accoutrement, &c. These marines were a very fine body of men, and from the sample, H. E. will be able to form a pretty correct idea of the British soldier. This day was consumed in the *ceremonial* and the whole of Captain Elliot's snite left again that afternoon in the *Madagascar*. H. M. Plenipotentiary remaining at second bar in the *Nemesis*, attended by Mr. Morrison, Chinese Interpreter, and Mr Elmslie, Secretary to the Superintendents. Nothing is known when the negotiations for the settlement to details are likely to be at an end, but it is thought Captain Elliot will be able to leave the river tomorrow, and probably not thing of the nature of the treaty will become known until his return to Macao.

The following are extracts from two letters from Macao, received to-day by the *Maulmain*:

Macao, 18th January 1841.—"It is supposed by many that Keshen has so far acceded to Captain Elliot's demands in order to gain time and that the New Year festivities may pass over without interruption—whilst by the time the trade is to be re-opened—the Edperor's reply will be received, and the wily Keshen will then act accordingly. The Island of Hongkong is to be ceded to the English, but in the mean time they must go to Canton to do business for the season, such is Captain Elliott's wish to send home a supply of Tea Chop Chop—that he has been induced to waive the point on which he has hitherto shewed more determination. i. e. that of not putting his fellow countrymen in the power of the Chinese by their going up to Canton. Nothing whatever has been said in regard to the Opium Trade—which, it is to be feared, Keshen wishes to keep at present in the back ground to serve as a stumbling block should he find that the Emperor is opposed to concessions being made to the English, for it would be very easy for him to turn round upon H. M. Plenipotentiary and say H. I. Majesty will accede to the demands made by the British Government, provided it will accede to the demands made by the British Government, provided it will guarantee the abolition of the Opium Trade, knowing too well that it will not and cannot do it. We must wait till the New Year holidays are over, and shall then see how the affair is to be finnally adjusted—for nothing is to be ratified till then."

"*Macao 19th January*, 1841.—The papers will have apprised you that our forces took the Forts of Cuenpee and Tykok-tow This has so paralized Keshen that he has *opparently* acceded to Captain Elliot's terms, whica, as I always thought, an most disgraceful. From good authority they are as follows;—Indemnification for the Opium, price not yet arranged, to be paid by instalments. —The payment of the expenses of the expedition is left an open question. A settlement on Hong Kong and to be under restrictions similar to those which the Portuguese are all Macao:—No Poris are to opened to the Northward:—Chusan to be evacuated:—The trade in the meantime, that is, whilst settling at Hong-Kong and ratifying treaties, &c. &c., is to be carried on at Whampoa, in the old way and usual charges. The Blockade is to be raised about the first week in February, so that we shall all be able to go back to Canton very soon, *For your your Government* NOTHING *has been done by Elliot touching the Drug.* and there is no getting to know how the Chinese will look upon the old dealers returning to Canton, or what sort of pledges they may insist on having from them. The obstacles which they may throw in the way will not affect prices, their power is so circumscribed here; on the coast, however now they are no longer under the nread of a more pressing danger, they will have time to turn their attention to stop the trade if possible. I anticipate they will make a desperate struggle to do so, and falling to succeed they will *legalize* it. One thing is clear they cannot stop it, and we shall more and better able to carry on the trade if we are allowed to store if at Hong Kong. There is a good chance that Hong Kon may become a Depot for the drug inasmuch as Elliot is turning round and will not listen to any thing against the trade from Keshen, and has admitted that he has *all along* taken a wrong view of the question, and committed a great error in ever interfering with it.

The trade in Opium is most pecarious and unsettled here, and will continue so for sometime, Prices to with us must rule low.

The Drug remains dull, owing to the New Year I fancy; it has improved slightly this last week, but New Patna cannot bestid to be worth more than 405 to 410 Sp. Drs. Old Drug very bad." *Calcutta Courier, March* 6.

GENERAL ORDERS.

MILITARY DEPARTMENT.

By the Hon'ble the Governor in Council.

Bombay Castle, 18th March 1841.

No. 178 of 1841.—Lieutenant Marriott of the Engineer Corps, is placed temporarily under the Superintendent of Roads and Tanks, without prejudice to his present appointment of Adjutant to the Corps of Sappers and Miners.

No. 179 of 1841.—Captain Arthur of the 20th Regiment Madras Native Infantry, is allowed to proceed to the Nelgherries, with leave of absence for a period of two years, for the benefit of his heal h

No. 180 of 1841.—Privates of Native Infantry, who under the G. O. C. 30th March 1810, Military Code, Page 272, were *bona fide* Acting Drummers and Fifers on the 30th April 1837, are entitl- to draw the old rates of pay of Drummer from the dates respectively on which they may have been or may be appointed Drummers on the Establishment; but those employed as Musicians cannot be allowed the old rate of Drummers pay.

Bombay Castle, 20th March 1841.

No. 181 of 1841.—The Hon'ble the Governor in Council is pleased to notify, that whenever the 2nd in command of an irregular Corps may hereafter be called upon temporarily to perform the duties of Adjutant in addition to his own, he will not be entitled to any Extra allowance on that account.

No. 182 of 1841.—The following order is confirmed:—

An order by Major General Brooks, Commanding Scinde Force, dated the 26th December last, appointing Lieutenant Colonel Soppitt of the 20th Regiment Native Infantry, to assume command of the 2nd Brigade, until the arrival of Brigadier England.

No. 183 of 1841.—The undermentioned Cadets for the Artillery and Infantry, are ranked from the dates specified opposite their respective names, and posted to Regiments to fill vacancies as follows.

Rank as 2nd Lieuts. and Ensigns

1. William David Aitken, to rank as Ensign, Regimental rank 11th Dec. 1840, Army rank 11th Dec. 1840, appointed to the Regiment of Artillery not arrived.

2. Charles Boundler Fuller, to rank as Ensign, Regimental rank 11th Dec. 1841, Army rank 11th Dec. 1840, appointed to the Regiment of Artillery, not arrived.

3. John Worgan, to rank Ensign, Regimental rank, 20th Feb. 1841, Army rank 11th Dec. 1840, appointed to the Regiment of Artillery, not arrived.

Infantry.

I. John William Schneider, to rank as Ensign, Regimental rank, 20th Feb. 1841, Army rank, 11th Dec. 1840, appointed to the 2nd Gr. Regt. N. I. not arrived.

2. James Wedderburn Hope, to rank as Ensign, Regimental rank, 3rd March 1841, Army rank, 11th Dec. 1840, appointed to the 26th Regt. N. I. not arrived.

3 George Edward Henre, to rank as Ensign, Regimental rank 17th March 1841, Army rank 11th Dec. 1840, appointed to the 1st Euro. Regt. not arrived.

4. Robert Bainbrigge, to rank as Ensign, Regimental rank 17th March 1841, Army rank 11th Dec. 1840, appointed to the 23rd Regt. N. I. not arrived.

5. Henry Phillips Tyacke, to rank as Ensign, Regimental rank 17th March 1841, Army rank 12th Dec. 1840, appointed to the 2nd Rt. Euro. L. I

6. William Selwood Hewitt, to rank as Ensign, Regimental rank 17th March 1841, Army rank 12th Dec. 1840, appointed to the 11th Regt. N. I.

7. Edward Younghusband, to rank as Ensign, Regimental rank 17th March 1841, Army rank 12th Dec. 1840, appointed to the 9th Regt. N. I.

8. Daniel Bourchier, to rank as Ensign, Regimental rank 17th March 1841, Army rank 12th Dec. 1840, appointed to the 25th Regt. N. I. not arrived.

9. William Pirie, to rank as Ensign, Regimental rank 17th March 1841, Army rank 12th Dec. 1840, appointed to the 1st Gr. Regt. N. I. not arrived.

10. Jonathan Augustus Spry Faulkner, to rank as Ensign, Regimental rank 17th March 1841, Army rank 12th Dec. 1840, appointed to the 6th Regt. N. I. not arrived.

No. 184 of 1841.—The rank of the undermentioned Assistant Surgeons having been received from the Honorable the Court of Directors, Commissions are assigned to them from the dates specified opposite their respective names, as follows.

Medical Establishment.

1. Samuel McMorris,...2nd Jan. 1841
2. George James Shaw, M. D.....do.....do.... do.
3. Thomas Brooks Larkins,.....do..do.... do.
4. Henry Stewart Moore,.....do..do.... do.
5. Robert Dent,.....4th..do.... do.
6. Thomas William Ward.....5th..do.... do.
7. Federick Ellis.....do..do.... do.
8. William Thorn,...do..do.... do.
9. Robert Ross Smith,.....9th..do.....do.

Not arrived

10. Patrick Cruick Shank,.....10th..do.....do.
11. William Harry Pigon.....11th..do.....do.
12. Richard DeCourcy Peel,.....25th...do.....do.
13. Gustavus King Dickinson,.....do... .do.. do
14. Frederic Lodwick,...2nd. Feb...do.

No. 185 of 1841.—Lieutenant A. E. Saunders of the 2nd Regiment European Light Infantry, and Lieutenant F. Jackson of the 24th Native Infantry, are respectively allowed a furlough to Europe, for three years, for the benefit of their health.

Bombay Castle, 22nd March 1841.

No. 186 of 1841.—The Hon'ble the Governor in Council is pleased to publish the following extract, para. 1st of the Hon'ble Court's Letter, No. 8, dated 27th January last.

The friends of Private Hugh Cleverly of the 1st European Regiment at your Presidency, having paid into our Treasury the sum required by the Regulations for his discharge. We authorize you to grant him his discharge from the Company's Service. The payment of the usual passage money not having been made in this case, the Soldier will not be entitled to passage to Europe at the Company's expence.

No. 187 of 1841.—The Hon'ble the Governor in Council is pleased to publish to the Army the following Extract, paras. 1st and 2nd of the Hon'ble Court's Letter, No. 7, dated 27th January last.

We have appointed Mr. John Joseph Lawrie, now on his passage to India, a Cadate of Infantry on your Establishment, subject to the usual conditions.

2. Mr. Lawrie's order of rank will be transmitted in due course.

No. 188 of 1841.—The Honorable the Governor in Council is pleased to publish to the Army the following Extract, paras. 1 to 3 of the Honorable Court's Letter, No. 6, dated 20th January last.

1. We have permitted the undermentioned Officers to return to their duty, viz.

Captain G. J. Brown, in February.
" C. Denton, } per "Lady East."
" C. J. Calland. }
Assistant Surgeon Brickwell, per Florist."

2nd. We have granted additional leave to Lieutenant J. L. Jamieson, for six months.

We have permitted Lieutenant Alfred Welstead to retire from the Service. This vacancy has effected from the 17th December 1840.

Bombay Castle, 23rd March 1840.

No. 189. of 1841.—The Hon'ble the Governor in Council is pleased to cancel Art. 13, Sec. VI. of the Commissariat Regulations, and to direct, that in accordance with the practice in Bengal, the issue of grain from the Public Stores, for the Horses of Mounted Officers, in the Field, be allowed only, when it is not procurable elsewhere, and that it is to be paid for in such cases at its *actual cost to Government.*

By order of the Hon'ble the Governor in Council.

P. M. MELVILL, Lieut. Col. *Secy. to Govt.*

By the Commander in Chief.

Head Quarters, 24th March 1841.

Ensign Tyacke Hewitt and Young husband permanently posted to Regiments in G. G. O. (No. 183) dated 20th inst., are directed to join their respective Corps as early as practicable.

The undermentioned officer has obtained leave of absence

Ensign J. Wray, 24th Regt. N. I. from 10th to 25th April on urgent private affairs to proceed to Bombay.

Head Quarters, Bombay, 25th March 1841.

With the concurrence of the Hon'ble the Governor in Council, the Commander in Chief is pleased to certify, His Excellency's intention to leave the Presidency on Satuday next the 27th instant on a tour of inspection, and to proceed to the Deccan.

All reports and commmunications from the different stations of the Army, which are intended for His Excellency's information, are to be addressed to Mar hableshwar until further orders.

The following Officers of the personal staff of the Commander-in Chief, and the General staff of the Army, will accompany His Excellency.

Captain T. W. McMahon Military Secretary, and A. D. C:

Lieutenant J. K. Wedderburn. A. D. C.

Lieutenant Colonel S. Powell, Adjutant General of the Army

Lieutenant Colonel N. Campbell, Quarter Master General of the Army.

Major W. Ogilve Judge Advocate General of the Army.

F. A. Loinsworth Esquire Deputy Inspector General of Hospitals.

Head Quarters, Bombay, 26th March 1841.

An order by Major W, Stirling Commanding at Mhow, dated 17th instant, appointing Surgeon Sinclair of the 2nd Regiment Light Cavalry, to receive medical charge of the detail of the 3rd Regiment N. I. on the departure of the Head Quarters of that Regiment from the station is confimed.

Surgenon C. D. Straker, of the 1st European Regiment is placed in medical charge of the Staff and Details at Aden from the date of his arrival at that station and Assistant Surgeon Malcolmson will assume medical charge of the Wing of the 10th Regiment Native Infantry at Aden, from the same date.

Assistant Surgeon H. S. Moore, attached to the 2nd Battalion of Artillery will proceed in medical charge of the Detachment of Her Majesty's 18th Royal Irish Regiment under order to embark for China.

STRATFORD POWELL Lieut. Col.

Adjutant General of the Army.

Proceedings on the Case of Contempt against the Proprietors of the Bombay Times and Bombay Courier on the two following Articles.

BOMBAY TIMES AND JOURNAL OF COMMERCE, MARCH 3.

CASE OF FORBES & CO.—SIR H. ROPER'S REMARKS.—At the request of Messrs. Forbes and Co. we to-day publish a full report of a case which appeared before the Supreme Court of Bombay on the 12th ult., of which we gave a full and carefully revised outline in our issues of the 20th and 27th. The account in our Supplement of to-day does not appear to us to differ in any material point, except in its additional copiousness, from that formerly given;—and we publish it at the desire of the parties who feel aggrieved by the remarks of the Judge, and who do not seem to consider our former statement so full as the merits of the question required it to have been. We have no intention of at present entering on the merits of the question discussed: but we must beg to call the very particular attention of our readers to the language made use of by the Judge in discussing it; language which may be quite consistent with the practice of Colonial Judicature, as indeed Bombay itself could in this way furnish very strange precedents, but from an approach to which we feel assured any Court of respectability within the Empire would shrink. We are not aware of the amount of liberty of speech permitted to a judge by reason of his character and position, in reference to matters not judicially before him, but should think from what is stated in the report, that it must be viewed by our prospective Chief Justice as tolerably extensive. Whatever that may be, however, for which precedent furnishes example, or position permits impunity, it does appear to us that the dignity and respectability of our Courts would be better consulted were terms unbefitting the lips of private gentlemen carefully abstained from by our judges when actiog officially, and that the custom, if such an one there be, would be more honored in the breach than the observance, which permits the person who occupies the bench to make use of expressions in reference to parties not before him, which he knows he dare not, as a private individual, employ in a society of gentlemen.

BOMBAY COURIER, MARCH 9.

The period of the retirement of Sir John Awdry from the highest seat on the judicial bench of the Supreme Court of this Presidency and the consequent accession of Sir Henry Roper to the vacant office has we regret to say been one of considerable excitement. Angry feelings have been generated between the present chief administrator of the law and those who have, in the humble capacity of suitors, appeared before him: the expression of which has attracted the attention of all classes of the community. The full and correct "Report of the proceedings in the Supreme Court of Bombay regarding the will of the late Doctor David Forbes," which at the instigation of Messrs. Forbes and Co. has been published in most of the journals of this Presidency has rendered the public perfectly acquainted with the facts of the case. It is now our intention briefly to examine its merits.

The first point that presents itself to our notice is the inclination evinced by the Court to support the interests of the Ecclesiastical Registrar by discouraging to the utmost all claims to administration of estates brought forward by those who though not next of kin to deceased persons nevertheless enjoyed their confidence when alive; and as Agents were trusted by them with the management of their most important pecuniary concerns. The only excuse which can be advanced by the Court for showing this partiality to the Registrar is that the duties will be more expeditiously and satisfactorily performed by him as a public officer than by any private Agent. With the view of enabling our readers to form a correct opinion on this head, we beg to call their attention to the following extracts from the "*Bombay Courier*" of the 26th March, and 2nd April 1836.

"The act of Parliament which gives the individual holding this office the power to administer in cases of intestacy, is one of those instances of careless legislation which so frequently occasion hardship and loss to individuals without any equivalent benefit to the public. The only conceivable pretext for giving the Registar a commission of five per cent on all the money he collects as administrator is that of compensating him for the increased responsibility which it is supposed he incurs by an increase of the amount in his hands. But the supposition of any such increased responsibility is perfectly erroneous, for the Registrar pays all that he receives into the hands of the Accountant General, and runs not the smallest risk of any loss. Indeed, it generally happens that the whole of his duty consists in transferring Company's paper or other securities from a House of Agency to the Accountant General; and for this single act he receives his full commission! It is evident, therefore, that no one would object to take the office on a moderate salary, paying over the fees to Government, if it were deemed necessary to have them for revenue; and this would not only be a more equitable kind of remuneration for the duties performed, but would in a great measure do away with the cause of most of the complaints of hardship, occasioned by the cupidity of the Registrar, which are now so frequently heard. Though after all, it is not so much of the emoluments as of the mode of feeling up the appointment that we now have to complain.—The duties of an Ecclesiastical Registrar are as nearly as possible similar to those of any other agent, and require for their due performance regular habits of business with a knowledge of accounts."

* * * * * *

"It was therefore enacted that "Whenever any British subjects shall die intestate within either of the presidencies of Fort William, Fort Saint George or Bombay or the territories subordinate to either of the said presidencies or to become subordinate thereto, and return of the citation to be issued from the proper ecclesiastical court, no next of kin or creditor shall appear and make out their claim to the administration of the effects of the intestate deceased, to the satisfaction of the said Court, it shall and may be lawful for the registrar of such Court, respectively and he is hereby required to apply for, and such Court is hereby required and directed to grant such letters adcolligenda or of administration, as to such court shall seem meet, by virtue whereof such register shall collect the assets of the deceased, and shall bring them for safe custody into such court, and account for them regularly &."

The intention of the Legislature in this provision is very apparent. It was clearly to provide an officer whose duty it should be to look after intestate or other estates of deceased person which were in danger of being wasted. Nothing, in fact, could be more beneficent and judicious; and had not the appointment of the individual to fill the office been unfortunately vested in the Supreme Court we should in all probability, instead of complaints of an abuse of power, and perversion of the meaning of the act during a long course of years, have heard only of its benefical tendency."

The truth is that the object contemplated on the institution of the office of Ecclesiastical Registrar has not been achieved. Since the management of estates is frequently vested in his hands when they could more cheaply be managed by other persons without the slightest danger of their being wasted. Wheter the impression be correct or incorrect we say not, but is notorious that the relatives of deceas persons dread the management of estates falling into the hands of the Registrar. An appeal to the experience all the Agents in the place would prove that the first instructions they usually receive from Representatives in Europe, are (pending the receipt of powers to administrate) not to pay the funds into his hands. Notwithstanding this the Court has frequently compelled Agents to act contrary to the instructions of the parties most interested, and a case of which the following conveys the tenor will be found on its records. The Registrar took out administration to an estate, although letters from the next of Kin (received overland) were in Bomay advising the transmission via the Cape, of powers of other parties. The letters also particularly directed that the estate should be kept out of the Registra's hands. This was duly represented but the only effect was a threat of summary proceedings, in consequence of which the funds were paid over, to be recovered back again immediately, minus five per cent. The surrender of Company's paper was also rendered compulsatory under similar circumstances and with like loss to the estate.

The portion of the late proceedings which more especially deserves our attention, is however the harsh language adopted by Sir Henry Roper in expressing his judicial opinion. We entertain the highest esteem for the legal institutions of our country and are prone to pay the utmost attention and reverence to those who, clothed in the Majesty of the law, are vested with the power of administering it's decrees. But our respect is to the office, not to the bearer, and though the reputation of the former be intimately connected with the conduct of the latter, we must not allow our respect for the first to induce us to pass over indiscretions in the last. In using this word we have adopted the mildest which the English language admits. It is perhaps too mild, to characterize the use of perhaps too mild to characterize the use of expressions which have lowered the dignity of the bench in the opinion of all. The following words, used by Sir Francis Bacon in his celebrated expostulation of Sir Edward Coke shortly after the latter's removal by *Supersedeas* from the Office of Chief Justice of the King's bench in the year 1616 appear so peculiarly applicable to the present subject that we cannot forbear quoting them for the benefit of our now Chief Justice.

"So are you still wont to be little careless in this point, to praise or disgrace upon slight grounds and that sometimes untruly! so that your reproofs or commendations are for the most part neglected and contemned; when the censure of a judge, coming slow but sure, should be a brand to the guilty, and a crown to the virtuous."

The using, harsh language, and that carelessly, is not the only fault which Sir Henry Roper has committed. He has alluded to the conduct of parties not before the court in a manner highly reprehensible, and we understand that a much respected civil functionary has appealed to Government for protection. But by far the most blameable portion of the Hon'ble Judge's conduct is his having openly avowed that he allowed the feelings and animosities of private life to away his conduct on the Bench. This is most indefensible, most inexcusable. It is a frailty inseparable from human nature that men should be actuated by their private feelings. But in their publice capacities all men should endeavour to bridle these feelings, and act impartially to all. More especially is this necessary in a Judge. Yet Sir Henry Roper avows "*An impartial* or soothing judgment on this matter can hardly be expected from me", and afterwards admits that what had happened ecsewhere influenced him on the Bench.

The doctrine that a Judge is entitled in his judicial capacity to make any remarks he pleases on the conduct of suitors without their being at liberty to remonstrate, is one to which we can never assent. Deliberation, and moderation are two indispensible qualifications for the firm and equitable performance of judicial functions. Without these, the dignity of the bench is distroyed and the moral influence of the law diminished.

The peculiar position of Sir Henry Roper renders it impossible for those he has attacked to obtain legal redress, but he cannot but be aware how deeply their feelings must have been wounded, and had they not been parties of whose integrity the whole Bombay community are fully aware, their interests could not but have been seriously affected by the harsh and hasty opinion placed on the records of the Court.

SUPREME COURT.

THURSDAY, MARCH 18.

THE Sessions commenced yesterday, at the usual hour the Chief Justice took his seat on the Bench and the following Gentlemen were sworn in of the Grand Jury.

FOREMAN.

William Cunningham Bruce Esq.

George Pollexfen Esq.	Thomas Robert Richmond.
Francis Martin.	Thomas Lancaster.
George Simpson.	Dossabhoy Jamsetjee.
James Wright.	Manockjee Limjee.
Robert Lindsay Leckie.	Dossabhoy Framjee.
Arthur Bedford Orlebar.	Ragoba Jewajee.
Archibald Spens.	Hormusjee Dadabhoy.
John Alexander Russell.	Mahomed Ally Rogay.
Edward Lyon.	Luximon Goviudjee.
William Walter Cargill.	Crustnath Narronjee.
David Miller.	
Reginald Frederick Remington Esq.	

The Chief Justice then charged the Jury very briefly. He alluded to the ightness of the Calendar there being only twelve Cases on the List. He drew the attention of the Jury to two Cases. One of Radna Kissen who stands accused on three different indictments 1st for Forgery, 2nd Embezzling and Stealing a certain valuable security, and 3rd Stealing a Bill of Lading.

The learned Judge gave a sketch of the Case which is shortly this. The Prisoner had been a Clerk or Agent in a Native Firm and proceeded on board "The Mor" which had arrived from China, and produced a Bill of Lading to the Chief officer for a Box of Dollars, which he obtained, and the Box was subsequently discovered by the owners at the Custom House in charge of a Cooley employed by the prisoner. The Judge remarked that a Bill against the same person had been ignored by the last Grand Jury and he was not aware of any fresh evidence in this case. The other case mentioned by his Lordship referred to a case No. 10 in the file of Succaram Ramchunder who stands indicted with "An assault with intent to rob." The case was this.

A Woman and her child went to a caste feast, during which the mother missed her Child and a man met the Prisoner with it in his arms, and saw him trying to force off an anklet while the child was crying very much. on being interrogated he said." The child was his own "This not being believed, he was handed over to the Police, the Learned Judge laid down the law as regards child stealing and its penalties and said the indictment in the present case had been made of "An assault with intent to rob" in preference.

The Jury then retired and after some delay returned into Court and declared that a True Bill was found against Junnoo Balsett for "Larceny from his Master."

The Court was then adjourned until Friday (to-day) at 10 o'clock.

After the adjournment of the Sessions the learned Judge retired, and returned into Court after a brief space, to receive notices of Motions. Mr. Cochrane and Mr. Campbell gave notice of motions after which the Chief Justice alluding to the Case of Messrs, Forbes and Co. in the late Petition spoke as follows.

ON the morning of the 3rd of March a Newspaper, the Bombay *Times* was left at my house. It contained an article referring to what took place respecting a petition on behalf of Messrs. Forbes and Company brought before me in Chambers, and on which Petition I endorsed my reasons for refusing the application. A Motion was afterwards made on the part of Messrs. Forbes and Company that such Petition, having my observations so endorsed thereon, might be taken off the file. The article contained the following words. "We have "no intention of at present entering on the "merits of the question discussed, but we "must beg to call the very particular at"tention of our readers to the language "made use of by the Judge in discussing "its language which may be quite con"sistent with the practice of Colonial Ju"dicature, as indeed Bombay itself could "in this way furnish very strange prece"dents, but from "an approach to which, "we feel assured any Court of respectabi"lity within the Empire would shrink."

Every Lawyer will agree that the publication of such language is a gross contempt amounting in the fullest sense to what is termed "scandalizing the Court" and us"ing words importing scorn, reproach or "diminution of the Court." I may well be called upon to punish such an offence, and should have accordingly acted without delay, but that being conscious the excitement and indignation I felt at the moment must cloud my judgment, I resolved not to act hastily, and determined to wait till this day the 18th of March. I was also nearly certain that Sir Erskine Perry would arrive here by the 14th or 15th of March: had he done so, I should have been chiefly guided by his opinion: in his absence I must act alone.

An affidavit by Ballerustna Cassinathjee states that on the 9th of March, he purchased the Newspaper thereto annexed at the Office of the "Bombay *Times*" Newspaper, and an affidavit by Burjorjee Nasserwanjee shows that Charles Binny Skinner, Henry George Gordon, Francis Martin, James Calder Stewart, Robert Smith, Frederick Maitland Davidson, John Alexander Russell, Thomas Cardwell, James Wright, Thomas Robert Richmond, and Framjee Cowasjee, all of Bombay Merchants, and William Mackie of Bombay Surgeon, and William Howard, and Wilson Austin Montriou Barristers at law, are or previous to the publication were, joint proprietors of the Newspaper in question.

Mr. Howard and Mr. Montriou I believe I may assume that neither of you were knowingly, or intentionally a party to this publication (Mr. Howard and Mr. Montriou respectively disclaim having been so)

It is but justice to you and to myself to say, I never for one moment thought you knew anything about it. You are aware that a proprietor is responsible criminally as well as civilly for the acts of his co-proprietors, servants, or Agents for misconduct in the conducting of a newspaper, but my object is merely to vindicate the Court, and in directing that no measures be adopted towards you respecting this affair, I do no more than I should do by any other person, who being a Co-proprietor disclaimed having been intentionally or knowingly a party to the publication, or who having been wilfully a party to it, intimated that he felt regret for his conduct.

On reading the affidavit of Balcrustna Cassinathjee, the article in the newspaper called the Bombay *Times* thereto annexed beginning with the words. "At the request of Messrs. Forbes and Co. and ending with the words, "A society of Gentlemen"—and also on reading the affidavit of Burjorjee Nasservanjee as to the persons who are joint Proprietors of the Newspaper, it is ordered that Charles Binny Skinner one of the Proprietors of the said Newspaper called the Bombay *Times* do attend the Court on Saturday the 27th instant at the hour of eleven in the morning, to answer for, publishing or causing to be published in the said Newspaper the said article unlawfully and in contempt of this Court.

A like order is also made with respect to each of the other persons, excepting Mr. Howard and Mr. Montriou mentioned as joint Proprietors of the Bombay *Times* Newspaper in the affidavit of Burjorjee Nasserwanjee, separate orders, one for each person named as a Proprietor must be drawn up and personally served.

There is another article in the same newspaper to which although objectionable, I do not object, for it is written in a very different style and spirit. The impropriety of my having entertained suspicions in the case of Messrs. Forbes and Company and of my having recorded them, by which the writer must mean my having endorsed them on the petition, is there in alleged. I feel much satisfaction in stating that before the end of the last term Sir John Awdry informed me that, "*should the matter again be brought forward, he would avail himself of the opportunity to say that the parties had only got what they had laid themselves open to*"—This he told me without any canvassing or solicitation on my part—Were he here this day, I have no doubt he would express himself to the effect I have stated—That he used the words I have ascribed to him I have no doubt—He used others also, which certainly did not qualify those already mentioned—I do not profess to give those other words, because I am anxious to keep within the mark, and I am uncertain whether he would have given such futher expressions to the public had the matter again come before him.—

No suspicions or observations on my part can affect any one except so far as they may be warranted by circumstances. In the particular case my observations were founded on the notorious fact frequently commented upon by Judges here, that for years there has been a struggle to conceal Wills and Estates of deceased persons from the Registrar. The files on the Ecclesiastical Side of the Court will in a great degree show that Messrs. Forbes and Company have taken a leading part in such struggle, and the inventories or accounts filed by the administrators show, that although Merchants in general I believe, only charge a very trifling Commission on transactions in Government Securities, yet in respect of monies invested in Government Paper belonging to the Estate of deceased persons their charge is as great as that made by in the Registrar, namely 5 per Cent, in my opinion too high a Commission. In all other respects also, as far as I can ascertain from the accounts filed, or otherwise the charges made by the Registrar for administering are the same as—and no higher—than those made for administration by other persons. That a different impression has been and is abroad, I am aware, and it is in a great measure to refute such impression that I now enter upon the subject. The letter of Messrs. Forbes and Company to the father of the deceased, might well keep alive or engender such impression, for it recommended that the father should empower them to supercede letters of administration if granted to the Registrar, and to what purpose, if no saving should thereby accrue to the estate?

In addition to all this there was the lapse of time since the Testators death. The taking out a prerogative administration a most unnecessary and improper expense—a most questionable proceeding especially as although bona notabilia were alledged, all the property was in this Country, and although it was alleged there was no residuary legatee named in the will—the father—the very next of Kin himself was named residuary legatee.

On such grounds I suspected and expressed myself accordingly. I am upheld by Sir John Awdry's opinion, "that the parties only got what they had laid themselves open to."

Still, upon their moving to take the petition off the file, I should have added nothing to the observations endorsed thereon, had not the justice of those observations been called in question—had not the parties so contrived that I should be as I observed at the time put upon my defence, for it is a fallacy to talk of my having given judgement in the matter, the judgement was Sir John Awdry's. Had not every feature of the proceeding, and the time place and mode of bringing it on denoted that such proceeding was brought forward as an attack on me when upon the bench, and not merely as alleged in this Second Article in the Times Newspaper of the 3rd of March "to remove the suspicions which so tenaciously clung to me."—During the proceeding I frequently expressed that such was the impression on my mind, and the counsel for the parties did not, and could not intimate that such impression was erroneous.

Even now for certain purposes it may not be too late to set me right, if I was in error, Mr. Crawford, you were counsel for Messrs. Forbes and Company on the occasion. I do not ask you to say the impression I have alluded to was correct, or indeed to make any reply but if you can say you did sincerely believe at the time the application was made that such impression was erroneous, I shall be happy to hear you say so.

(Mr. Crawford after some discussion says it is not in his power to say so?

Well then, in future if any think the castigation was severe they may perhaps be also of opinion that the provocation was great.

Another Bombay *Times* Newspaper was published on the 6th of March. It contained a letter purporting to have been written by Mr. Charles Forbes to the Editor. The matter is not judicially before me, for I do not wish to take any strong measures respecting it, and now merely mention it, because in that letter Mr. Forbes is represented to observe he was entirely dependant on the skill and discretion of his proctor. It does not appear on my notes, but I well recollect that I did impute blame to the proctor for not having prevented his client from swearing the affidavit. As there were reporters in Court their notes will probably confirm my recollection of the matter. I feel that great allowances should be made for Mr. Forbes, and beyond the having made an affidavit in an apparently careless manner, I impute nothing whatever to him. His letter, if it be his letter, is in some respects a very fair letter under the circumstances, and making due allowance for the feelings of a gentleman, which I regret my view of the matter occasioned me to wound.

I would add that I never heard Mr. Forbes had any where spoken of my judicial conduct.

Another Newspaper called the Bombay Courier was published on the 9th of March. Another affidavit made by Balcrustna Cassinathjee proves that he purchased it on that day at the office of the Bombay Courier. It also contains an article on the subject, for the publication of which, all parties engaged in it should be punished.

The second paragraph is as follows.

"The first point that presents itself to our notice is the inclination evinced by the Court to support the interests of the Eclesiastical Registrar by discouraging to the utmost all claims to administration of estates brought forward by those who though not next of kin to deceased persons nevertheless enjoyed their confidence when alive; and as Agents were trusted by them with the management of their most important pecuniary concerns. The only excuse which can be advanced by the Court for showing this partiality to the Registrar is that the duties will be more expeditiously and satisfactorily performed by him as a public officer than by any private Agent. With the view of enabling our readers to form a correct opinion on this head, we beg to call their attention to the following extracts from the "*Bombay Courier*" of the 26th March, and 2nd April 1836."

That using such language is a contempt the profession will agree, but I am chiefly anxious to disabuse the Public regarding administrations by the Registrar, and therefore shall in the first instance observe upon some matter the article contains.

The writer imputes to the Court an inclination to support the interests of the Ecclesiastical Registrar by discouraging to the utmost all claims to administration of estates by those who, though not next of kin to deceased persons, nevertheless enjoyed their confidence when alive. My conduct in the particular case can hardly warrant this imputation. Had such inclination existed I might, in the instance in question have fully indulged it, for the power of Attorney to Forbes and Company merely authorised them to act on behalf of the next of kin in collecting and administering the estate, but did not authorise them to take out administration with the will annexed, and the document produced from the Prerogative Court was such as could have no weight here. Therefore and especially as expence had been incurred in improperly procuring that document from the Prerogative Court, administration with the will annexed might have been altogether refused to Mr. Forbes and granted to the Registrar. Instead of pursuing that course. I stated in my observations as follows, "Though not present, he (the next of "Kin and residuary legatee) has sent a "power of attorney authorising the peti"tioner not indeed to take out adminis"tration with the will annexed, but to "act on his behalf, in administering the "estate. The statute 55th Geo. III C. 84, "gives a discretionary power to the "Court, the words being, "or any other "sufficient authority to be shown to the "satisfaction of the said Court." "There"fore I think in this instance if an ap"plication be duly made, administration "with with the will annexed may be grant"ed to Mr. Charles Forbes."

But further had I any undue anxiety for the interests of the Registrar, I should hardly have observed as I then did, and since have done, that I thought the Registrar received too high a commission in respect of property vested in Government Securities, and it is within the knowledge of some professional gentlemen present, that I have said it should not be my fault if such rate of commission remained undiminished.

The next paragraph asserts the impropriety of allowing a commission of 5 per cent to the Registrar, he having no increased responsibility, it is alleged, inasmuch as he pays all that he receives into the hands of the Accountant General and runs not the smallest risk of any loss." It is strange the writer of this article did not reflect that houses of Agency take exactly the same commission as the Registrar, whether upon money invested in government Securities, or in other property. The inventories and accounts filed on the Ecclesiastical side of this Court show that such is the fact. If the Registrar be not entitled to commission, why should Houses of Agency? Are they to be so entitled because they do NOT pay over the funds to the Accountant General, but keeping them in their own hands, incur responsibility, and employing the funds in their trade run the risk of loss! As I have said I think the Rigistrar's Commission too high

in respect of money invested in Government Securities, but Houses of Agency charge the like commission and no less.

In another part of the article it is mentioned there was an instance in which the Registrar took out administration to an estate, although letters from the next of Kin received Overland, were in Bombay advising the transmission, viâ the Cape, of powers to other parties.

I am not aware whether there were any circumstances in the case, to warrant a refusal to permit further delay,—nor is it for me to deny there may have been misconduct or over haste on the part of the Registrar. I know, and the recollections of the profession will bear me out, that upon one occasion in Chambers and I believe in relation to this very case of Messrs. Forbes and Company, I expressly stated the Court would not grant administration hastily to the Registrar when a person entitled to probate or administration might have timely notice. It is obvious however that unless Estates are more cheaply managed by others than by the Registrar there is little inducement to delay granting administration to him.

In the case spoken of in the *Courier* as that in which the Registrar took out administration, notwithstanding notice of transmission of powers to other parties, it is said the funds were paid over to him, to be recovered back immediately minus five per Cent. Under the 55th of Geo. 3rd Chapter 14 Section 3, where letters of administration granted to the Registrar are revoked, the Court has power to direct the the whole or *a part only* of the usual commission be allowed to the Registrar, regard being had to his trouble and responsibility and the Service he has rendered. Sir John Awdry and I have more than once publicly stated from this Bench that no application to diminish the Registrar's Commission under this clause in the statute had ever been made to our knowledge, and that therefore we concluded the rates of commission charged by the Registrar and Houses of Agency were the same. It is chiefly to disabuse the public in this respect that I have thus entered upon the matter, although the profession may think it an unbecoming condescension. But I wish it to be understood that the charges for administration by the Registrar are no higher than those made for administration by houses of Agency. That he is not allowed to keep balances in his hands, or employ the funds in trade or speculations, but is obliged to invest the funds in Government Securities or deposit them with the Accouhtant General. That empowering others to administer instead of the Registrar is not attended with any saving to the estate,---that on the contrary, the framing and sending from England Powers of Attorney, Affidavits and Certificates, or erroneously taking out Grants of Administration in England may be measures detrimental in proportion as they are costly,

In another part of this article of the *Courier* it is said "He (Sir Henry Roper) "has alluded to the conduct of Parties not "before the Court in a manner highly re-"prehensible and we understand that a "much respected Civil functionary has "applied to Government for protection." This refers to my observation that in a recent case, the Accountant General of the East India Company having concealed from the Registrar that he possessed Government Paper belonging to the Estate of a deceased British subject, a loss of some thousands of Rupees had accrued to the Estate. I would now observe that I believe the last Accountant General was not Accountant General when the loss accrued, and I do not believe the concealment of the possession of the Paper by by the then accountant general was wilful or intentional. But the last accountant General expressly resisted and denied the right claimed by the Registrar to information upon such subject. The matter was brought before the Court by the officer of the Court, and was publicly commented upon by Sir John Awdry from the Bench, and communication made to the Government regarding it. I should be very unfit to sit here were I capable of shrinking from taking notice a of matter which had thus been before the Court on a former occasion and which was so illustrative of the question.

Another affidavit by Balcrustna Cassinathjee states "that on the 9th of March he purchased the Newspaper thereto annexed at the office of the Bombay Courier Newspaper and another affidavit by Edward Armitage states that Humphrey Francis Boaden and Jamsetjee Jejeebhoy and the Partners in the Firm of Messrs. Remington and Company namely Henry Fawcett, Thomas Wingate Henderson, Robert Wigram Crawford, Reginald Frederick Remington, and James Remington Hadow are and on the 9th of March last were joint proprietors of the Courier Newspaper. Upon reading the affidavit of Balcrustna Cassinathjee the article in the Newspaper called the Bombay Courier thereto annexed commencing with the words "the period of the retirement" and ending with the words "records of the Court," and on reading the affidavit of Edward Armitage it is ordered that Humphrey Francis Boaden one of the Proprietors of the said Newspaper do attend the Court on Saturday the 27th instant at the hour of eleven in the morning to answer for publishing or causing to be published in the said Newspaper the said article unlawfully and in contempt of this Court, A like order is also made with respect to each of the other persons mentioned in the affidavit of Edward Armitage as joint Proprietors of the Bombay *Courier* Newspaper, separate orders, one for each person named, must be drawn up and personally served.

I wish it to be intimated to the two native gentlemen mentioned as Proprietors of these Newspapers that as I assume they have not been wilfully parties to the publications I shall not require their attendance. My object is as their names have been mentioned in the affidavits, to give them an opportunity to reply or deny the matter imputed to them if they wish to do so. They can attend if they like, but should they not attend I shall not proceed against them in their absence, or adopt any measures against them. They must bear in mind however that the Proprietor of a Newspaper is answerable criminally, as well as civilly, for the acts of his Copoprietors servants or Agents, for misconduct in the conducting of a Newspaper, and that in the event of any further offence they will not be considered excused by ignorance, but may be punished by fine or imprisonment or both."

The learned Judge added also that he will not require the parties cited to make affidavit, but will be quite satisfied by their making a verbal declaration of not having countenanced the articles in the *Times* or *Courier*.

ECCLESIASTICAL SIDE.

Saturday, March 27.

The Court House was crowded to overflowing on Saturday last to listen to the arguments on the Contempt Case against the Proprietors of the *Times* and *Courier*. The Judge took his Seat on the Bench at Eleven o'clock.

Mr. Cochrane arose and stated he appeared for Messrs. Charles Binny Skinner, Henry George Gordon, James Calder Stewart. Frederick Maitland Davidson, Thomas Cardwell, Thomas Robert Richmond, William Mackie, and John Alexander Russell. He appeared also for the Proprietors of the *Courier* and tenders affidavits that Messrs. Remington and Hadow are not Proprietors.

Rule discharged as affects them. The other *Courier* Proprietors are Thomas Wingate Henderson, Humphrey Francis Boaden, Harry Fawcett, and Robert Wigram Crawford.

Mr. Dickenson is with Mr. Cochrane.

Mr. Herrick rose and stated "that he as Council was, instructed to appear for Framjee Cowasjee and to disclaim all knowledge of the article in the *Times* Newspaper, and to state that Framjee Cowasjee has the highest respect for the Chief Justice of the Supreme Court as well as for the Court itself, that he believes his Lordship on the occasion in question honestly and conscienciously discharged his duty, that the article in question appears to Framjee Cowasjee to be very scandalous and that he regrets it should have appeared in a Newspaper with which he is concerned, and therefore trusts his Lordship will discharge the rule,"—Rule discharged.

Mr. Herrick also appeard for Jemsetjee Jeejeebhoy and states that he was not in the slightest degree cognizant of the publication of the article referred to in the annexed rule, and he regrets that any expressions offensive to his Lordship should have appeared in a paper with which he is connected as he entertains the highest respect for His Lordship and is deeply impressed with admiration at his Lordship's administration of justice.—Rule discharged.

Messrs. Wright and Martin Proprietors of the *Times* disclaimed all cognizance of the article.—Rule discharged as regards them.

The Affidavits of the other Proprietors of the *Times* and *Courier* were then put in and filed, and a Petition entered as received together with an affidavit from the Proctor verifying the judgment of Sir Henry Roper.

Mr. Cochrane.—In no instance in my life have I risen under feelings of greater embarrassment or anxiety to address a Court—I am desirous of preserving the respect which is due to it even at the moment I am repudiating its authority—and I am quite satisfied that if this Court has passed an order which is not warranted by law, that your Lordship is the last person who would wish to enforce it. The question in this case is not whether these papers are Libels, but whether the Court can entertain jurisdiction over them as Contempts—Lord Eldon in a note to 1 Jacob and Walker 167 observes, "that the Court has no jurisdiction over it as a libel, and that it can be only complained of as a Contempt.' The same principle is supported by the observations of Lord Hardwick in 2 Atkins page 469—I think it therefore wholly beside the present question to enquire whether this be or be not a libel. If the Court possesses jurisdiction it must be supported on the ground of its being a Contempt.

The cases that bear on the present question are not very numerous, before I bend my attention to the argument of Chief Justice Wilmot in his extra judicial observations on the case of the King v, Almon —let me see whether any sound principle can be extracted from the decisions themselves, and whether one can derive any support from the conduct of Judges, whose judicial conduct has been slandered.—The first case I would call the Court's attention to is Pool versus Sacheverel page 675. Peere Williams vol. 1.—That was a case of a party advertizing a reward of 100 £ to any one who could make proof of a particular marriage. A motion was made against the party for a contempt. The Lord Chancellor observed that it tended to the suborning of witnesses in a cause then pending—To this it was objected that the matter was over, both the sentence in the Spiritual Court and the trial—Not, so says the Lord Chancellor it is not over, for if affidavits came in proving what was desired, it might induce the Court to overturn all proceedings. The next case is a leading one it is that of the printers of the Champion and Saint James's Evening Post reported in 2 Atkins page 469. In this case Lord Hardwick observes "that it was incumbent on Courts of Justice to preserve their proceedings from being misrepresented, and that the minds of the public should not be prejudiced *before a case is heard.*"

In both these cases proceedings were pending and the power of committal in such cases is absolutely necessary to the very existence of a Court the authority they posses is coexistent with their Establishment. Let me now see what has been the course pursued by the Judges in England when their conduct has been impugned. I wish from such cases to deduce an inferential argument against the power contended for here. The first is Jeff's case Croke's Reports Charles page 175. There he was indicted for a libel against Chief Justice Coke stating the judgment of the Court to be treason and calling the Chief Justice a traitor and perjured Judge, he fixed the libel on the great gate entering Westminster Hall on this he was indicted convicted and punished. The next case is Harrison's case in the same Volume of Croke page 503. There a gross insult was offered to Mr. Justice Hutton in open Court the party was indicted convicted, and punished and heavy damages were recovered by the Judge for the slander. The third case is the case of the King versus White reported in 1 Campbell 359. That was an information filed by the Attorney General for a libel against Mr. Justice Le Blanc charging him and the Jury in the grossest language with letting a murderer escape. The prisoner was indicted found guilty and punished. The fourth case is reported at page 170 of Holt on Libel it is the case of the King against Hart for a libel on Lord Ellenborough charging him with disgracing his station and preventing justice being done. The prisoner was tried and found guilty on an information filed against him by the Attorney General—— In all these cases the Judges proceed by the constitutional remedy of information or Indictment and so far as their authority is concerned they negative the necessity and propriety of proceeding by attachment assumed by Chief Justice Wilmot. If the principal laid down by Wilmot be the true one that because the King's Justice is arraigned that therefore an attachment should go, the case of Wilkes against the King in error reported in Wilmot's observations would furnish a curious commentary on the principle sought to be established—for there every reproach is heaped upon the sovereign's Justice, and no such authority assumed; the proceeding was by information. Let me now see how far the cases have gone with regard to subordinate Magistrates and the argument will only differ in degree, for all are appointed to support the Kings Justice. The first is the case of the Queen versus Langley 2 Salkeld 697 where gross language was used regarding a Mayor—and at the same page there is reported the case of the Queen versus Wrightson where a man speaking of the warrant of a Justice of the Peace calls him a fool, an ass and a coxcomb, yet these words were not even sufficient to support an Indictment and declared to be mere breaches of good manners.

Let me in trying such authority call your Lordships attention to 3 Hawkins section 36 book 2 Chapter 22 where observing on the power of the Court to commit for contempt you will find that every one of the cases cited by him in support of the Courts right are cases of obstruction to the process itself during the pendency of some proceeding and do not in fact support the principle here contended for.

There are one or two cases more which appear to me to shew that the opinion of Chief Justice Wilmot is not supported by modern practice Before I do so permit me to observe that if the 53 Geo. the 3 Chapter 127 be the Courts guide in matters of Ecclesiastical contempts—this does not come under that statute for there only contempts in the face of the Court are specified. The first cases I have above alluded to as laying down a rule different from that of Chief Justice Wilmot is the case of Adams versus Hughes page 24—1 Broderip and Bingham where a party on being served with process collars the officer and forces him to quit his presence. There an attachment was refused on the ground that there was *no obstruction of the Courts process.* The next is the case of Myers versus Miles 4 Moore's Reports page 147 where a Defendant being served with process tore up the writ and threw it at the officer. There the Court refused an attachment saying that if the officer had been prevented serving the writ the Court would have grounds to interfere but being served they refused the attachment.

The next case is the case of the King versus Gilham 1 Moody and Malkin page 165. There a party exhibited inflamatery publications respecting a murder about to be tried and there Littledale and Gazellee held though indecorous it was not a contempt.

Such cases appear to me to bear strongly against the power assumed by the Court. I am ready to rest this question on the decision of the Judges of the land they are the only proper interpreters of the law their decisions should be our guide.

If we were to consult the records of the house of Commons what is there that might not be a contempt? So late as 1739 we find killing Lord Galway's rabbits a contempt of the house. In 1753 fishing in Mr. Jolliffe's pond another contempt, and in 1760 digging Lord Verney's ground and carrying away a tree another contempt—all this may be seen at page 14 of 9 Adolphus and Ellis in the case of Stockdale versus Hansard.

I am justified therefore in protesting against any thing being considered a fit interpretation of the law but the decisions of the ordinary tribunals.

I now approach what I may term the constitutional part of my argument, and affirm that unless it can be directly shewn that the authority contended for here is supported by law—that it is directly contrary to the language of the Great Charter which directs that no one shall be imprisoned but by the judgment of his peers *vel per legem terræ.* That I may not rest this upon my own statement, permit me to say that the principle is acceded to by Lord Ellenborough in the great cause of Burdett versus Abbott, 14 East, where he observes "as "to the first point which arises in this case: "has the House of Commons a right to "commit for breach of privilege? It has "been argued that they are prohibited from "imprisoning persons by the statute of "Magna Charta, and the 28th Ed. 3. c. 3:" —but the provision in Magna Charta directed against acts of unauthorized force "that no man shall be imprisoned but by "lawful judgment of his peers or *by the law "of the land*" and that of the 28 Ed. 3.— "that no man shall be put out of land or "tenement *nor taken or imprisoned*, nor disinherited nor put to death without being "brought in to answer *by due process of "law* are satisfied so far as they relate to "this subject, if the *lex et consuetudo parliamenti* be as Lord Coke and all the "writers on the law have held that it is, "part of *the law of the land* in its large and "extended sense." This was the only answer that could be given to the masterly argument of Holroyd—taking that principle therefore for my guide—let me see what must be established here—that such an authority is in unison with the law of the land, or else as I have above stated it contradicts the Great Charter. In the above case of Burdett versus Abbott, the then Attorney General Sir Vicary Gibbs may be pardoned for making use of Chief Justice Wilmot's argument extra judicial as it was in support of the interests of his client, but when that learned counsel proceeds to call it an admirable argument, he at once rouses and fixes the attention of a plain man like myself. He might perhaps be surprized to hear that in this admirable argument, the learned judge is guilty of one of the meanest of sophisms, of begging the whole question in dispute by assuming the necessity of committal. But let us see whether the principle on which he rests the authority of the Courts will bear even the test of examination mark how it crumbles at the touch.

"It is because the Judges are supporting the King's justice"—that Wilmot claims this power, what sort of support is that of the King's justice which Commences its existence by violating the first and plainest principles of the law of nature—which law forbids any man to be a judge in his own case.

But let us see whether Chief Justice Wilmot is a whit more happy in endeavouring to make his power of commital part of the lex terræ.

Is it usage which makes it part of the law of the land? If so—what sort of usage is that which can find no earthly authority, no decided case to support it.

The right of Courts to commit is not founded on usage,—though usage may evidence the law—Courts of Justice were originally instituted to decide causes according to law—that is the end of their institution. The right to commit for the contempts I have already alluded to is part of their original authority, because they must have powers adequate to attain the end of their institution, and the necessity of committal in the cases I have spoken of, while it shews the nature of their authority at the same time limits its extent. If the principle I am combating were to be the rule of guidance, instead of such matters being defined all would be indefinite. The discretion of each particular Judge would be the rule of law and would necessarily, vary with the habits and temperment of the man.

If such a power had ever been carried into execution in England, to my view the legislature would have been forced instantly to interfere—for the assumption of such a power would in its operation have effectually destroyed freedom itself. To little purpose did Chief Justice Wilmot peruse the noble relics of classical antiquity to attempt to render them subservient to the destruction of the liberties of his fellow men.

How is it I ask that while the books are crowded with instances of committal that shew to my view their application and limitation. No instance (for I have searched in vain) can be produced of any decision to warrant so terrible a power, such a right is repudiated by the conduct of the Judges themselves when libelled. The old books are silent on its existence, upwards of half a century has gone by since Wilmot wrote, modern practice and the conduct of Judges themselves are against it.

Those who affirm the existence of such a power are bound to make it out as part of the law of the land. They cannot rest it in this case on the ground of actual necessity, because such necessity did not even exist in Coke's, Hutton's, Ellenborough's or Le Blanc's cases.

If a contempt be committed it is laid down in 2 Kenyon p. 372 that an attachment was the proper course, yet if there be any weight in such an observation, the conduct of the four Judges I have spoken of would repudiate such a power.

Surely if there had been any pretence for asserting such a power, in troubled times bad men and wicked ministers would have eagerly employed it in the destruction of the sacred light of free discussion. The support of such a principle fixes no limit to the power of the Judge, and seems to me to be contrary to the provisions of the Great Charter.

In this case no fault is found with the decision of the Court, but with the propriety of a Judge's language.

Believing as I do that such a power would be destructive to the first principles of justice itself, here would that I could stop, personal respect nay even affection if you will allow me to say so to your Lordship restrain we from making any lengthened observations on the Judgement delivered by you—one thing I will alone mention and that is—that the fatal error if I may venture to say so originally committed, was your Lordship's taking any part in a discussion where your own conduct was impugned. In cases in England where Judges have even been counsel they not uncommonly retire.

Sir Henry Roper.—

And so I would also, had I not been placed on my defence.

Mr. Cochrane,

Surely my Lord that defence would not have sustained any injury by being confided to our late honored and respected Chief Judge. A few words more and I have done. If the course I have above alluded to had been adopted, all this melancholy discussion would have been avoided, and if even at the commencement of this, you yourself conceived that "an impartial or soothing judgement could hardly be expected from you." Can you I ask you on the oath to decide impartially that you took but a day or two ago can you with feelings excited and warm decide impartially here? I pass over without comment every other part of the judgment delivered. I have endeavoured to argue this question on the broad ground of constitutional law. To me the assertion of such power of committal appears to violate without necessity the first dictates of nature's law, and if carried into execution in England; would bury in

one common grave alike the principles o justice and the liberties of my fellow men.

MR. DICKINSON followed on the same side as nearly as we could collect as follows: "This question involves much legal learning and personal feeling, and is of a delicate nature, as it discusses your Lordship's right and opinion as to your right, and I had hoped it might have been avoided as the Proprietors of the *Times* and *Courier* have come forward and stated by Affidavit that they never saw the article before it was in print. The Affidavits are before the Court. I will read the Affidavits.

Chief Justice.—"If this had been done before it would have been right, as the case has gone so far you had better proceed in your argument."

Mr. Dickinson—"Then my Lord I withdraw the Affidavits."

Mr. Cochrane.—"My learned friend has no business to withdraw any Affidavits put in by his Senior."

Mr. Dickinson.—"My learned friend has argued the matter on very broad grounds in which I entirely concur. I am not in a position the most solid which might be contended for.—I shall proceed first to discuss the abstract right of this Court to proceed on this matter, this is a proceeding on the Ecclesiastical side of the Court, and I object to the mode in which this attachment has been obtained, and also to the affidavits, which purports to be, affidavits of one Nesserwanjee who was told by one D sabhoy Framjee that the parties were proprietors of the Papers. why did not Dosabhoy Framjee himself make the affidavits? Is this such prima facie evidence as could be placed before a Jury?—Two Parsees hear from each other, would a Jury acknowledge such hearsay evidence?—I protest against your Lordship taking the affidavits as evidence."

Chief Justice.—Let the affidavits be withdrawn.

Mr. Dickinson.—My Lord, these affidavits are a part of the ground of my defence.

Chief Justice.—Never mind the affidavits. Go on with the case.

Mr. Dickinson.—This is a rule obtained against the proprietors of the Bombay Courier and Times, for articles having been inserted in their respective papers, which have been said to have brought a contempt on this Court. In the "King v. Allmer." It is decided that there must be prima facie evidence of purchasing. Which in this case there is not. Supposing that proprietors are responsible for the views of their papers, the proprietorship must be proved, and unless it is proved, which it has not been, the parties cannot be held to be liable. There is no precedent in this Court or in any other for a proceeding of this kind, and on this ground I claim a discharge for the parties. We must be in possession of clear and conclusive evidence, and it is a most strange and unusual measure to pick out the proprietors of a paper, instead of the Editor or Printer and Publisher, such proceeding I hold to be unjustifiable, and not according to the Act 11th of 1835. There are two questions, which I shall argue, first, Has a contempt been committed, and second, Has a proper course been pursued? I shall argue the second point first. In the first place, your Lordship's jurisdiction in Ecclesiastical matters is the same as the Courts of Westminster, and the Ecclesiastical side of the Court, not being a Court of Record, does not vest your Lordship with the power, when sitting on the Ecclesiastical side, that you have taken, in thus vindicating your authority. Does your Lordship find the parties contumacious? If so, your Lordship has the power to excommunicate or assoil them, but otherwise you have no cognizance, except in the case of a Court of Record, you are now sitting on the Ecclesiastical side, and have no power for contempt, King v. Faulkner 525, C. M. and R's. reports, I should like to know what method of proceeding your Lordship will take? You are bound to follow the Law and precedence of the Queen's Bench, Mr. Commissioner Fane himself, when sitting in a Court of Request fined a person for a contempt in that Court, and on reference being made to the Court of Queen's Bench, the fine was set aside, and it was decreed that the Commissioner had no such power. A Judge sitting in Chambers is authorised by his functions and situation as Judge, to exercise that authority similar to those sitting in Banco in the Court of Queen's Bench, King v. Aylmer,—but is not protected from any contempt while sitting on the Ecclesiastical side. In all cases when proceedings are brought forward they must be signed by the officer and instituted in the Supreme Court. It can only proceed by the party swearing that they were contumacious? Are you prepared to commit them, as acting on the Ecclesiastical side of the Court? My learned friend has shewn and that most clearly that there is no precedent, and that the course of proceeding in this Court cannot stand as a case of procedure. In cases of contempt in Chancery, they are brought forward by the officers of the Court, ex-parte Jones 13 Vesey, and even when the Judge himself had considered that a contempt had actually been committed, as in the case of Long Wellesly, when the question arose if Long Wellesly could be committed for contempt, it was decided he could not. In 2nd Rushton's Martin's case, then my Lord the case proceeded from his Lordship's motion, it is the only power of Chancery, and I would submit that your Lordship must follow the line adopted in that of the Court of Queen's Bench, and that you have no direct power to have adopted and pursued the course you have. In these matters you must apply to the Court of Record. It is the 1st Court recognised, by the New Charter (quotes the charter) and a peculiar jurisdiction is given to it, and that of the Equity Court. In Equity or jurisdiction you are possibly warranted, tho' I do not myself believe you are. In the Admiralty Court you, might also perhaps be warranted, either by a committal of the parties implicated, or declaring that they are contumacious. numbers of cases of libel on Judges have occurred, but in all, nearly, have the Queen's Government alone instituted the proceedings, 'tis not in the power of a Court of Justice to institute proceedings where the Judge of that Bench is concerned. However it is too late to argue on the danger of power being abused. In all cases when Judges have been libelled, the Attorney General has invariably, as the Officer of the Public, instituted the proceedings, and this is a great argument to shew that the Public are interested in the dignity of their Courts of Justice. I therefore do deny your right to adopt the course you have, a party uninterested ought to have prosecuted, 5th Barnard and East, Rex v. Aylmer, Rex v. Clement. In an Oyer and Terminer Court, if the evidence is prima facie, the case is different. In the proceedings in the trial of Thistlewood, it was ordered that the evidence should not be published, as it might interfere with, and obstruct the procedure of Justice, and prejudice the minds of the public against the Prisoner. In all cases of prosecution when private individuals are concerned, more particularly in cases of attachment which are appeals, the Court have always on prima facie evidence granted attachments but not otherwise, as it would place the Court in a predicament. Judicial proceedings may be published as they tend to the advancement of Justice, it has always been allowable, and justly so, but invective and improper language must not be used with impunity. I argue that the article in the *Courier* is an impartial criticism.—I do not mean to justify that in the *Times*, that is a contempt.

Mr. Cochrane.—This is one way of arguing the case certainly, cutting away your leaders argument.

Chief Justice—You may take the admission of the contempt back, Mr. Dickenson.

Mr. Dickinson—The remarks in the *Courier* do not appear to me to be contemptuous. In your Lordship's judgment in the case of Messrs. Forbes and Co. you stated that cases had been known where every impediment had been thrown by Merchants in the way of the Registrar, towards preventing him administering to the estates of defunct persons. My Lord, this is a very grave and most serious charge against the Mercantile community.

Chief Justice—This is very strong language however any thing you choose to say, I'll listen to. I did not allude to the Merchants here now, as most of them are new houses, I spoke of those existing in former days.

Mr. Dickinson.—The article in the *Courier* does not impute any thing personal to your Lordship, I deny that any provocation is shewn in the Courier. The Times contains invective, I argue that the Courier contains nothing but fair criticism.

It is a Merchant's paper taking up a Merchant's quarrel. It is certainly not a libel in the Courier and no one would conceive it to be.

Chief Justice. But what are the technical objections?

Mr. Dickinson. The objection to the rule is that it is on the Ecclesiastical side and signed by the Ecclesiastical Registrar.

Chief Justice.—Let the Court be adjourned for half an hour and by that time I shall have arranged my notes. The Chief Justice returned into Court about 3 o'clock and said as follows.

Sir H. ROPER, Chief Justice.—

I had no idea the affidavits alluded to by Mr. Cochrane had for their object to deny a guilty participation in publishing the articles in the newspapers, and from the circumstances I believe they had not such object. They were not brought forward in such a way as might lead me to suppose such was their purport. On my observing that affidavits were not insisted on, but that mere oral statements, without oath should be considered sufficient by me, not one word was said as to the parties denying any wilful participation in publishing the objectionable matter. The Counsel proceeded to argue the question on the broad merits: in no degree professing on the part of his clients to disclaim the article, but on the contrary justifying and upholding them. The junior counsel afterwards requested to withdraw the affidavits and permission was granted accordingly.

The first question is whether the publication of this article in the *Bombay Times* of the 3rd of March be a contempt. In making the order that the alleged proprietors should appear and answer, I went on the position that the publication was direct contempt by scandalizing the Court.—But the matter may be considered in another view, namely, whether the publication be not also a contempt constructively and by inference. The arguments of counsel have almost entirely hinged upon cases of constructive contempts, and happily cases of direct contempt are rare. Having issued the rule upon the idea that this article in the *Times* was a direct contempt, the consideration whether it be not also a constructive contempt is not strictly necessary, but as arguments to show the article is not libellous or contemptuous have been drawn from what was said or done by me in reference to the applications made by Messrs. Forbes and Co, I would not seem to evade this view of the question. From those topics and the position and conduct of Messrs. Forbes and Co. and the position of the proprietors of the *Bombay Times* newspaper it has been argued that the article in question was a fair stricture or criticism. In determining whether it was so, it is material to consider the motives or feelings which may have biassed the respective parties, and if upon the whole it appeared the publishers of this article were not impartial critics, but had been influenced by angry feelings towards a judge, who had commented in severe terms on what appeared to him reprehensible, and persons with whom such publishers had, or thought they had a common interest, and that the article might intimidate the judge and deter him from commenting in like manner on future instances of supposed misconduct, then the article would be constructively and by inference a contempt, and especially so, if it should seem that such had been the objects of the publication. As I have already observed it is not necessary to show that the publication is in this case a constructive contempt, but grounds for supposing it to be so may arise from investigating whether the article be a fair criticism, and light be thrown on that question by considering the motives and feelings which may have influenced the publishers and myself.

When the application for administration with an *alleged* copy of an *alleged* copy of an alleged will annexed was made to me on behalf of Mr. Charles Forbes, I was on amicable terms with him and some 3 or 4 members of the House in which he was a partner:—with two of them indeed I was almost intimate. Thus far there is no apparent ground to conclude, I was induced to endorse on the petition my reason for refusing the application otherwise than by a sense of duty, and a wish to check the parties, I afterwards more explicitly referred to. The notorious facts that concealment of estates and wills from the Registrar had long been a system:—that judges here had often times alluded to it: that the Registrar had in my presence more than once complained of it, should tend to support any allegation that I was merely influenced by a sense of duty—the more strongly felt because in the case brought before me serious expense had been incurred through the means adopted to carry out the system. But it may be said the language was too strong—most derogatory to Messrs. Forbes and Company.—Admitting that Messrs. Forbes and Company are unaccustomed to have such language applied to them, disinterested persons may easily ascertain whether language equally strong and upon grounds no stronger than those which existed in the case of Forbes and Company has not been frequently applied in this Court and in other Courts, in England and elsewhere to other parties, and Sir John Awdry has said "Messrs Forbes and Company merely got what they had laid themselves open to." But Messrs. Forbes and Company thought differently and moved to take the petition off the file. Lawyers know that such an application is one of the most violent and hostile measures which can in practice be adopted between party and party.—How much more so when resorted to with respect to a Judge! As Messrs. Forbes and Company employed counsel on the occasion, I could not doubt the matter had been represented to them in that light. Every feature of the proceeding and the time, mode and place of bringing it on went to show it was intended as an attack upon me when upon the bench. During the proceeding, I two or three times mentioned that such was the impression on my mind. The Counsel for the parties could not deny the impression was correct. I mentioned that the deportment of one the parties in private society impressed me with the belief that the proceeding was meant as an attack on me when upon the Bench. That therefore I should not consent to take the petition off the file or refrain from what I was anxious to do namely enter on my defence and state the reasons for my conduct, although had the application been differently framed I should have allowed it to pass unnoticed. Still the counsel for the parties could say nothing to remove the impression, and ten days ago in open Court he declared it was not in his power to say he had believed I was wrong, in concluding the motion was brought on as an attack on me when upon the Bench. Such was the avowal of the very counsel who acted for Messrs. Forbes and Company on the occasion, and it affords some grounds for supposing that the Bar from one Watson,—the corporation of Norwich of which he was a member, made an *order in their books*, voting him 2,300l. in consideration of the verdict against him, and declaring it was done in consideration of his having been actuated by motives of public justice, and for preserving the rights of the corporation, and supporting the honor and credit of the chief magistrate. The court of K. B. held this to be a libel on their proceedings and the administration of justice, and made a rule absolute for an information against the defendants. In the case Buller, justice, observed, "nothing can be of greater importance to the welfare of the public, than to put a stop to the animadversions and censures which are so frequently made upon courts of justice in this country. They can be of no service, and may be attended with the most mischievous consequences."

It is undoubtedly allowable to discuss in a decent and temperate manner the proceedings of a court of justice—to suggest error, and with a view to fair criticism, to censure what is apparently wrong. Mr. Justice Grose's observations in the King versus White support that doctrine, but one of the Counsel for the parties has admitted the article in the *Times* to be a contempt, and although for forms sake, I have allowed him to withdraw the admission, I cannot but find my own opinion strengthened by having heard such sentiments expressed in such a quarter.

It is said no power to proceed by attachment in such a case exists according to Magna Charta or the law. But it is rather too late to contend for such a doctrine, and the opinions of Mr. Justice Wilmot are recognized and approved of by Mr. Justice Holroyd in the King versus Clement and by others, and Mr. Justice Holroyd was not then Attorney General or Counsel, but was delivering a solemn judgement on the case before the Court.

The publication of such articles being contempts, and the Court taking notice of them as such, questions arise as to what proceedings should be adopted and against what party or parties. My conduct has been impugned for causing proceedings to be instituted against the proprietors of these newspapers instead of against their respective printers and publishers, and it may be satisfactory that I should be explicit on this subject.

In England by the 6th and 7th W. 4. c. 76, no person can print or publish a newspaper until a declaration has been delivered at the stamp office setting forth, amongst other things, the name of every person being a proprietor resident out of the United Kingdom, and also of every person being a proprietor resident within the United Kingdom, if the number of such last mentioned persons shall not exceed two, and in case such number shall exceed two, then the names of two resident proprietors whose respective shares shall not be less than the proportional shares of any other resident proprietor, specifying the amounts of such respective shares. By the 29th section of that statute a bill to discover the printer, publisher, or proprietors of any newspaper in aid of an action for damages cannot be demurred to, but the discovery is to be compelled, and the 1st of William the 4th c. 73 requires publishers of newspapers and pamphlets to execute a recognizance or bond, with sureties, for securing payment of fines, damages and costs. By such enactments in England great protection is afforded against the printers, editors and proprietors of a newspaper, but in this country it is merely required by a local act of 1835, that the printer and publisher of a periodical work shall avow himself. No security is required from him, and the proprietors are unnoticed. Hence a person is usually put forward as printer or as publisher who has in fact little or nothing to say to editing the work, and who is very incompetent to pay fines or damages. But proprietors are not exempted from responsibility for misconduct in the work they carry on or by which they profit, although the means of discovering them are not as simple as they might be. In this instance it seemed impossible that the printers had any wilful participation in the office. The editors were prima facie guilty parties, but on writing instructions to my clerk regarding some official business on the 3rd of March, I asked him whether the article which had appeared that day in the *Bombay Times* had been inserted in the monthly summary of the preceding day. On the following evening I received one, or, I think two notes from my clerk, from which it appeared he had held conversations with the Editor of the *Times* upon the subject. Such conversations had been holden without my knowledge or consent, and I much regretted they had occurred. Still, as they had taken place it seemed unfitting to proceed against the Editor of the *Times* and as he had been exempted, it appeared advisable to show the like forbearance towards the Editor of the *Courier*.

Proceedings against the printers or editors being deemed inexpedient, the proprietors alone remained. To hold them responsible appeared peculiarly suitable, because the question affected certain of the mercantile community, and it was generally believed that the principal proprietors of these newspapers were merchants. For my own part I only knew that Mr. Howard and Mr. Montriou were proprietors. I believed that two other gentlemen of my acquaintance were proprietors and with regard to one of them it seems I was mistaken. But as some of the proprietors were or might be my personal friends there was adopted such a proceeding with such an object merit the severest represension! Did they not give great provocation! If disinterested persons think so—then this article in the *Bombay Times* is not a fair criticism. I do not take it upon myself to say that such is the opinion of the disinterested, but I have not the slightest reason to think it is not so, and therefore have no reason as yet to doubt the correctness of my own opinion that the article is unfair, and if it has emanated from a merchant or merchants at Bombay, or from one employed by or in the interests of the Mercantile community, an impartial criticism on the matter could hardly be expected from such a source. That the article had for its object to intimidate me or other judges from answering persons of the like rank or station as Messrs. Forbes and Company, I will not assert, but that it might have such an effect is prettyobvious.

Without insisting on the publication of this article, however, as a constructive contempt, it is sufficient for me to observe I have no doubt it is a direct and positive contempt as being a libel on the administration of justice in this and other Courts, and as containing words scandalizing and importing scorn, reproach or diminution of the Court. Mr. Justice Buller in the King versus Watson and others says, "that Lord "Mansfield frequently directed juries to "read the paper stated to be a libel as men "of common understanding, and say whether "in their minds it conveyed the idea imputed." It appears to me that any man of common understanding on reading this article would say, it imported scorn, reproach or diminution of the Court. That publishing such matter is a contempt of the highest order is appearent from 2 Hawkins page 220. The Practical Registrar page 133—the anonymous case in 1st Salkeld page 841. Roache versus Garrow, 2 Atkins 471, and many other authorities.

The article in the *Courier* Newspaper of the 9th of March unequivocally charges the Court with having "evinced an inclination "to support the interests of the Ecclesiastical "Registrar by discouraging to the utmost all claims to administration by those "who though not next of Kin to deceased "persons, nevertheless enjoyed their confidence when alive." It also unequivocally "imputes to the Court "partiality to the "Registrar." The matter therefore comes within Watson's case, Lieutenant Frye's case, and that class of cases. The effect would be to deter the Court from receiving applications on behalf of the Registrar as freely as the applications would otherwise be received, lest partiality should be imputed to the Court. The publishing such an article is unquestionably a contempt, though by no means so heinous as the publication of the article in the newspaper called the *Bombay Times*. The observations on constructive contempts made with reference to the article in the *Bombay Times* are equally applicable to this article in the *Bombay Courier*, and tend to show the latter article is not an impartial criticism.

It is said the Courts never punish summarily or proceed by attachment unless where the process or progress of justice is obstructed by the contempt, and certainly not when the case has been adjudged, and is at an end. But what was done in the anonymous case in the 1st Salkeld. The party had been served with the rule; therefore there was no obstruction; but having said he did not care for the Court—he was proceeded against by attachment and the attachment was issued in the first instance.

Again, as to not proceeding as for a contempt where the cause has been decided, read what was done in Lieutenant Frye's case reported in the notes in Holt on libel page 158.

"Lieutenant Frye, of the marines, in the years 1743, was sentenced to fifteen years imprisonment by a court-martial. For this most iniquitous sentence, he brought an action against the president of the court-martial, and recovered 1000l. damages. In pursuance of what fell from the judge who tried the cause, the plaintiff commenced actions against the other members of the court-martial who had passed the sentence, and they were arrested by *capias*, at the breaking up of the court-martial against admiral Lestock, of which they had also been members. This court-martial took upon itself to pass some resolutions reflecting on Sir John Willes, chief justice of the court of Common Pleas, which were laid before the king. Upon this, the chief justice caused every member of the court to be taken into custody, and was proceeding to assert and maintain the authority of his office, when a written, and contrite submission, signed by all the members of the court, stayed the progress of justice. The submission, transmitted to the lord chief justice, was ordered to be read in open court, and to be registered in the remembrancer's office; and it also appears in the London Gazette of 15th November, 1746, "A memorial (as observed by the lord chief justice) to the present and future ages, that whoever set themselves up in opposition to the laws, or think themselves above the law, will, in the end, find themselves mistaken."—*C. Pl. Ms.* 1743."

Also see the case of the Corporation of Norwich.

"As where one Hurry, having been maliciously prosecuted for perjury by the defendant and acquitted; and after having recovered large damages for the malicious prosecution,

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an additional reason for proceedings against the proprietors, lest forbearance should be imputed to private feeling. It was also necessary, as Mr. Howard and Mr. Moution were barristers practising in this Court, that they should disavow the contempt, a measure I was sure they had sufficient magnanimity and generous feeling to adopt. I was happy on observing them at the bar to have it in my power to give them an opportunity for such disavowal in the first instance. I by no means thought that amongst the other proprietors there were not several as little culpaple as Mr. Howard and Mr. Montriou, and I should have given the like opportunity to the other alleged proprietors at the same time, had I observed them in attendance. But I then publicly stated, that any gentleman who either verbally said he was not a proprietor or was not knowingly or wilfu ly a party to the publication, should at once be relieved from further vexation on the subject. It is to be regretted the proprietors are so numerous, but if numbers were to exempt from liability, there would be no protection against a numerous body of proprietors; they might with impunity become a scourge to society.

Having resolved to hold the proprietors responsible, I requested an officer of the Court to take the necessary measures for bringing the parties before the Court, and assisted by a Solicitor, he took such measures accordingly. Until after the affidavits were framed, I had no idea from what source the information was derived or by whom the affidavits were to be made, and I never had the slightest communication on the subject with any of the persons who either gave the information or made the affidavits.

It has been suggested the proper or only course in such a case is to proceed by inf rmation or indictment. That it is not the only course is obvious from Frye's case, already read, and other cases in which Courts have treated the like offences as contempts, and punished them summarily:—that it is not the usual course of proceeding for contempts is equally obvious from the same authorities. As Mr, Baron Wood said with reference to the king versus Clement, "If the only proper proceeding "were by indictment that would be a salvo "for all contempts; for a judge, if he could "not take a much more summary course, "but were obliged to await the result of "an indictment before he could enforce "his authority would be a mere cipher on "the bench." Mr. Baron Graham and Mr Baron Garrow expressed the like sentiments. Here, the summary proceeding is peculiarly suitable, the offence being great, the supposed offenders being numerous, wealthy and influential, and their conduct and perseverance evincing a disposition on their part to resist and set themselves above the law. It might also be observed that a great number of gentlemen of the mercantile profession are associated as proprietors of these newspapers. The circumstance renders the proceeding by indictment or information very objectionable.—Must not such a body have great influence, and it seems to me expedient that an insult of this description to a Court situated as this Court is, in a small Society, at a great distance from home, and without the same facilities that might exist in England for the trial of such a matter by an impartial jury should he taken notice of summarily, and in such a way as to shew the Court is fully empowered to vindicate and protect itself.

Teffe's case has been relied on as showing, that even when Sir Edward Coke was libelled, the proceeding was by indictment. But the facilities for procuring a fair trial of such a matter in England are and then especially were much greater than they are here, the evils of delay and forbearance to assert promptly and summarily the dignity of the Court, were also much less than they are here, and when Teffe put in a scandalous pleawithout any further proceeding or any trial he was at once committed, adjudged to be put in the pillory, with a paper mentioning the offence—to be brought, with such paper, to all the Courts at Westminster and to be continued in prison till he made his submission in every Court.

I sincerely wish another judge had been here to take cognizance of the matter, but circumstances have imposed it upon me; and I sincerely hope and believe I am doing my duty and no more, and that I am doing it with due caution and forbearance. The 13tn of George 3d Chapter 63, the other statutes relating to this Court, and the Supreme Court of Calcutta and the charter of this Court clearly establish that this Court is invested with a jurisdiction of the Queen's Bench in England—It is also invested with Ecclesiastical jurisdiction—For the sake of order and regularity the Ecclesiastical business is conducted on what is termed the Ecclesiastical side of the Court, but still in the Supreme Court, and not in another, or inferior Court—Although certain periods for the dispatch of particular business are usually appointed under the names of terms, sittings, or sessions, yet it is not essential to adhere to, or observe them—The Court may sit oftener or at other periods for the dispatch of any business. It is always open, and like the High Court of Parliament, the chancery and inferior Courts is not obliged to observe the terms.

It follows that a Contempt of the Court in the exercise of its Ecclesiastical jurisdiction is a contempt of the Supreme Court; and that no advantage can be derived from subtle distinctions, as to whether the Court was sitting or not sitting at the time of committing the alleged contempt, Mr. Justice Holroyd says in his judgment in the King versus Clement page 233. "If is perfectly clear, as to the Courts at Westminster, that contempts may not only be in the face of the Court, but that they may be committed out of the Court. In the argument of Wilmot C. J. in the King versus Almon he shews clearly that publications libelling the Superior Courts may be punished as contempts."—It may be added that the very article itself alleges, that the proceedings were had in the Supreme Court—not in any inferior Court or inferior branch of the Court.

I shall now dispose of the objections founded on the affidavits and rules. It has been argued that they are wrongly entitled upon the Ecclesiastical side of the Court. It is apparent from the King versus Edwards 1st Blackstone's Report page 637 that an attachment itself is a mere process to bring in the party, and there is no charge till the interrogatories are filed. From Tidd's practice page 487 it appears that motions and affidavits for attachments in civil suits are on the plea side until the attachments are granted, and the like practice exists in the common pleas and Exchequer. On these grounds I think these affidavits and rules are rightly entitled on the Ecclesiastical side of this Court, the side on which the proceedings were had to which the alleged contempts referred.

But it is said in this instance, the affidavits are insufficient to warrant proceedings against the parties before the Court, it not being positively sworn that they are proprietors of these Newspapers respectively, but merely that the Deponents are informed and believe the parties so before the Court are such proprietors respectively. The objection is founded on misapprehension of the Law, and practice. In the 2nd Volume of Hawkin's pleas of the Crown page 206 an attachment for a contempt is mentioned as process which may be awarded by the discretion of the justices upon a *bare suggestion* on their own knowledge without any appeal, indictment, or information. The same doctrine is recognized in Comyn's Digest, and if Blackstone's commentaries can be considered an authority, the following passage might be referred to in the 4th Vol. page 286 of that work.

"If the contempt be committed in the face of the court, the offender may be instantly apprehended and imprisoned, at the discretion of the judges, i without any farther proof or examination. But in matters that arise at a distance, and of which the court cannot have so perfect a knowledge, unless by the confession of the party or the testimony of others, if the judges upon *affidavit* see sufficient ground to suspect that a contempt has been committed, they either make a rule on the suspected party to shew cause why an attachment should not (j) issue against him;" or, in very flagrant instances of contempt, the attachment issues in the first instance; (k) as it also does, if no sufficient cause be shewn to discharge, and thereupon the court confirms, and makes absolute, the original rule. (20) This process of attachment is merely intended to bring the party into court: and, when there, he must either stand committed, or put in bail, in order to answer upon oath to such *interrogatories* as shall be administered to him, for the better information of the court with respect to the circumstances of the contempt. These interrogatories are in the nature of a charge or accusation, and must by the course of the court be exhibited within the first four days: l and, if any of the interrogatories is improper, the defendant may refuse to answer it and move the court to have it struck out. m If the party can clear himself upon oath, he is discharged; but, if perjured, may be prosecuted for the perjury. n If he coufesses the contempt, the court will proceed to correct him by fine, or imprisonment, or both, and sometimes by a corpor l or infamous punishment. o If the contempt be of such a nature, that, when the fact is once acknowledged, the court can receive no farther information by interrogatories than it is already possessed of (as in the case of a *recous*), the defendant may be admitted to make such simple acknowledgment, and receive his judgment without answering to any interrogatories: (21) but if he wilfully and obstinately refuses to answer, or answers in an evasive manner, he is then clearly guilty of a high and repeated contempt, to be punished at the discretion of the court."

In this instance the Court has not as yet issued attachments, or even rules to show cause why attachments should not be issued.—A milder course has been adopted, and as a rule similar to those made in this matter on the 18th instant, was made by an inferior Court, a Court of Gaol delivery, in the matter of William Tunell Clement, and the form of which rule will be found in the 11th Vol. of Prices Reports pages70 and 71 there can be no doubt this Court is competent to issue such orders An order somewhat similar was also made by the Lord Chancellor in the case of Mr. Lechmere Charlton.

In Clements case the evidence was so strong on affidavits that it might heve been holden conclusive in the first instance and a fine or imprisonment might at once have been imposed upon him as is obvious from the chief Baron's observations on the case. It was not however held conclusive in the first instance, for a rule affording him opportunity to answer, was made, when in this instance, orders were made similar to that in Clement's case, it was supposed all parties would avail themselves of the opportunity afforded. That they would either collectively, or individually express regret for the publication of the article they are charged with having published, or that indiuiduals alleged to be co-proprietors would either disclaim being proprietors, or having knowingly, or intentionally become parties to the publications, and as already observed, parties making such statements would at once be exempted from further trouble in the business, But four persons have had the magnanimity to come forward in that manner, and I should be justified in issuing attachments immediately against those who have rejected such opportunities. I wish however to afford another *locus penetentiæ* and accordingly, on reading the order of this Court made upon Charles Binny Skinner on the 18th instant, and upon reading the article and affidavits upon which such order was founded and to which the said order refers, and further upon hearing Mr. Cochrane and Mr. Dickinson Counsel for the said Charles Binny Skinner, a rule is made to shew cause why an attachment should not issue against the said Charles Binny Skinner, for publishing. or causing to be published in the said Newspaper called the "Bombay *Times*, or Journal of Commerce," the said article in the said rule or order of the 18th instant referred to, unlawfully and in contempt of this Court. Cause to be shown on Tuesday next the 30th instant.

The like rules are also made with respect to the other Gentlemen, respectively alleged to be proprietors of the "Bombay *Times*, and Journal of Commerce."

And the like rules are also made with respect to Mr. Henderson, and the other Gentlemen respectively alleged to be proprietors of the Bombay *Courier*.

There must be separate rules or orders, one for each person, and each order must be personally served on the person upon whom such order is made."

The Chief Justice concluded his observations by directing rules to be drawn up and personally served upon each of the several Proprietors who had not disclaimed, to appear on Tuesday next to shew cause why an attachment should not issue against them, he said he adopted this course in preference to proceeding by attachment in the first instance, in order to give each of the parties another opportunity of either disclaiming all guilty knowledge of the articles in question or regret for their appearance in the journals referred to.

Mr. Cochrane, My Lord may I reqest that the Affidavits originally put in may be read. Your Lordship will find that they contain a full denial by the respective proprietors of their having seen the articles until after their appearance in the public prints.

The Chief Justice at first objected but ultimately acceded to the request.

The Affidavits of Messrs. Fawcett Henderson, and Boaden were then read by the registrar and afterwards perused by his Lordship.

As the Affidavits of all the Proprietors of the *Courier* and *Times* are respectively the same we have given one of each.

In the Supreme Court of Judicature at Bombay Ecclesiastial side.

In the Matter of the alleged contempt of Thomas Wingate Henderson one of the Proprietors of the *Bombay Courier* Newspaper.

Thomas Wingate Henderson of Bombay Esquire maketh oath and saith that he is a partner in the firm of Messieurs Remington and Company of Bombay and that he is a Proprietor of the News-paper called the *Bombay Courier* and this Deponent further maketh oath and saith that he this Deponent never saw the article mentioned in the copy of the order made by this Honorable Court on the Eighteenth instant hereunto annexed previous to the Publication thereof or until he read the same on the forenoon of the Ninth day of March, instant, the day on which the same was published, and further that he has not been privy to the publication of any article observation, matter or Thing, in the said News Paper of the Ninth day of March in contempt of this Honorable Court.

(Signed) T. W. Henderson,

Sworn at Bombay this Twenty sixth day of March 1841. } Before me.

(Signed) O. W. Ketterer, Commissioner.

In the Supreme Court of Judicature at Bombay Ecclesiastical Side

In the matter of the alleged contempt of Charles Binny Skinner one of the Proprietors of the *Bomday Times* News paper and Journal of Commerse.

Charles Binny Skinner of Bombay merchant maketh oath and saith, that he is one of the Proprietors of the *Bombay Times* News-paper and Journal of Commerse, and that he never saw the article mentioned or referred to in the order hereunto annexed beginning with the words "at the request of Messrs. Forbes and Co. "and ending with the words" a Society of Gentlemen" until he received the copy of the said News-paper in which it is contained on the first day of March instant which was published for transmission to England by the overland dispatch nor had he any previous knowledge thereof in any way whatever.

(Signed) C. B. Skinner,

Sworn at Bombay aforesaid this twenty seventh day of March 1841. } Before me

(Signed) O. W. Ketterer, Commissioner.

C. J. These Affidavits contain a full disclaimer of any knowledge of the article in the *Courier*, a disclaimer similar to that on which I discharged the rule as against Messrs. Martin and Wright I regret much that these Affidavits were not more particularly brought to my notice in the first instance as I think they ought to have been, when a knowledge of the disclaimer contained in them would have rendered all this unnecessary."

Mr. Cochrane.—I certainly stated these Affidavits to your Lordship, they are filed and I do not feel myself justified in allowing my clients to make any apology. The Affidavits will speak for themselves.

Some of the Affidavits of the Proprietors of the *Bombay Times* were then read by the registrar and afterwards attentively perused by his Lordship.

Mr. Cochrane.—"All the Affidavits of those Proprietors are nearly the same and conclude with the same general sweeping clause."

Chief Justice—"I am dealing with gentlemen and I do not deem it possible that persons of their rank and character would have recourse to mental reservation"

Mr. Cochrane,.—"Certainly not my Lord. I look upon their Affidavits as containing a full disclaimer of any knowledge of the are ticles in question."

C. J..—"I must again express my regret that these disclaimers were not brought more particularly to my notice this morning, I also regret that these gentlemen have been brought here to disavow on oath a guilty knowledge of a participation in the articles in question, when I repeatedly stated in the most explicit manner that their simple disavowal of that knowledge or participation would be deemed ample by me. It only now remains to dismiss the rule as to all parties—Rule dismissed.

I have already stated my intention of taking no proceedings against the editors of either of these papers and see no reasons for regretting that resolution and shall take no farther proceedings in this matter.

Tuesday, March 30.

A Special Ecclesiastical Court was holden yesterday at 2 P. M. The Chief Justice on taking his seat on the Bench addressed Mr. Cochrane as near as we could catch his words as follows:

Chief Justice—"After I left the Court on Saturday last, I was informed that you had said at the conclusion of the case "That you would not allow your clients to make any apology" but I was at the same time informed that it was believed that the words were not intended to reach the ears of the Court, if they were not I shall only say I will not proceed further in this matter, but if they were intended for the ear of the Court, I should request that you would say so. I will read to you the words as reported in the *Courier* of this day, "I do not feel myself justified in allowing my clients to make any apology."

Mr. Cochrane,—My Lord, I cannot take upon myself to affirm that each word is correct, but undoubtedly the substance is correct.

C. J.—Mr. Cochrane, I ask you whether the words you used, as above mentioned, were intended to reach my ears.

Mr. Cochrane,—I can only say my Lord, that whatever I utter as Counsel in a Court of Justice, I intend for the ears of the Judge.

C. J.—Am I to understand Mr. Cochrane that you uttered the words ascribed to you.

Mr. Cochrane—Yes my Lord, as alluded to in Court.

C. J.—If you say you were not instructed by your clients to say what you did, I will not hold them responsible for any indiscretion of Counsel.

Mr. Cochrane,—I am not prepared my Lord to admit, such indiscretion.

C. J.—Very well then I will read my notes, and If I have misunderstood you in any manner, I shall be glad if you will set me right.

"On Saturday last the 27th instant when certain of the Proprietors of the Bombay *Times* and Bombay *Courier*, were before this Court, my attention was not called in the first instance, as it should have been to the fact that by Affidavit the Proprietors respectively disclaimed all knowledge of the articles in question. Hence the matter was unnecessarily argued, for had I seen the disclaimers in the first instance, I should at once have exempted all parties from further annoyance. But the matter was argued, and in such a way as led me to suppose a pertinacious and hostile course had been intended. Subsequently and when I had ordered that rules to shew cause against attachments should be issued, my attention was directed to the disclaimers in the affidavits and being anxious to shew every attention and forbearance towards the gentlemen interested, I discharged the rules. I was not at the time aware their Counsel had most unnecessarily and improperly alleged "that he would not allow his clients to make any apology"; *most unnecessarily* because not one word had been said by me about an apology being required to accompany the disclaimers, *most improperly* because being uncalled for, it was an unprovoked hostility towards a Judge who had shewn every anxiety to relieve the parties from the situation in which they were placed. After I had left the Court I was informed the expression had been used, but not having heard it, I concluded it had not been intended for my ear, especially as I was told it had not been so intended, I mentioned the subject however in Chambers yesterday morning, and observed amongst other things that the disclaimer was not in law an excuse, but that I might still have held the parties liable for the publication of which they were Co-Proprietors, Co-publishers, and from which they derived a profit. As the parties by their Counsel have offered this unprovoked hostility, as their Counsel has this day avowed it, and as it has been deliberately published in the *Courier* Newspaper of this day the publication of which is proved by the affidavit of Ballcrustna Cassinathjee having the said *Courier* Newspaper thereto annexed, it would ill become me to show that forbearance I had wished to manifest, and accordingly on reading the affidavit of Ballcrustna Cassinathjee with the Newspaper called "*The Bombay Times and Journal of Commerce*" of the 3rd March thereto annexed, on reading the article in the said Newspaper beginning with the words "At the request of Messrs. Forbes and Company" and ending with the words "A society of Gentlemen," on reading the affidavit of Burjorjee Nasserwanjee filed on the 18th instant, stating that he believes the several persons therein mentioned are respectively Proprietors of the said Newspaper, on reading the order made on the 18th of March instant, whereby it was ordered that Charles Binny Skinner should attend at the Court on Saturday the 27th inst. to answer for publishing or causing to be published the said article unlawfully and in contempt of this Court, on reading the affidavit of the said Charles Binny Skinner filed in this Court on the 27th inst. and on hearing Mr. Cochrane who was Counsel for the said Charles Binny Skinner on the 27th instant and who admits that he did on that day express himself to the substance or effect in a certain Newspaper called the Bombay *Courier* of the 30th instant in that behalf set forth namely "that he would not allow his clients (meaning amongst others the said Charles Binny Skinner) to make any apology for the publication of the said article in the said Newspaper of the 3rd of March, and that the said expressions were intended to be heard by the Court, and on reading the affidavit of Ballcrustna Cassinathjee sworn and filed this day and the article in the Newspaper thereto annexed beginning with the words "Supreme Court Ecclesiastical Side Saturday 27th of March 1841" and ending with the words "no further proceedngs in this matter." It is ordered that an attachment do issue against the said Charles Binny Skinner for publishing or causing to be published the said article in the said Newspaper called "*The Bombay Times and Journal of Commerce*" of the 3rd of March instant unlawfully and in contempt of this Court. Unless good and sufficient canse be shown to the contrary thereof within four days from the service of this rule.

The like order is made with respect to Harry George Gordon, Thomas Calder Stewart, Frederick Maitland Davidson, Thomas Cardwell, Thomas, Robert Richmond, William Mackie, and John Alexander Russell, also with respect to Thomas Wingate Henderson, Henry Fawcett, Robert Wigram Crawford and Humphrey Francis Boaden.—The Court will sit again on Monday next for the adjudication of this matter at 11 A. M.

i Staund. P. C. 73. *b.* j Styl. 277. k Salk. 84. Stra. 185. 564.

l 6 Mod. 73. m Stra. 444. n 6 Mod. 73. o Cro. Car. 146.

(20) For further information as to the see Tidd, 8 ed, 486, 7, obtaining and issuing an attachment.

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